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*How can the United States best maintain manpower for an effective defense system and for the other needs of American society? How have American armies been raised in the past? Is Selective Service necessary? A three-issue study of these questions will offer historical background and various current and controversial views. Our introductory article, evaluating the changing manpower needs for American defense, notes that until after World War II, "large land armies were still the principal instruments of decision . . ."; today "The most important change in [their] use is the decline . . . of their role as the principal instrument of ultimate decision."*

## The Changing Role of Land Armies in the 20th Century

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FROM THE PRE-NAPOLEONIC era to the mid-twentieth century, generals and statesmen have been convinced that massive amounts of manpower were needed for warmaking and defense. The central role assigned to large ground armies from earliest times prevailed in a very general sense until the end of World War II. Every military leader sought to amass the largest possible force of military manpower, even if smaller armies would perhaps have served the purpose better.<sup>1</sup>

To say that the importance of large ground forces remained paramount in the minds of military strategists for a relatively long time is

<sup>1</sup> Paradoxically, Napoleon probably would have been better off had he taken an army considerably smaller than the 400,000 troops with which he invaded Russia in 1812. Logistics, complicated by adverse weather, did more to bring about his defeat than did the Russian forces.

<sup>2</sup> For a discussion of the differences as regards the role of land forces in World Wars I and II, see Cyril Falls, *The Great War* (New York: G. P. Putnam's Sons, 1959), pp. 11-12.

not to suggest that this role was unchanging or that strategies did not differ from age to age. But many of the changes, particularly in World Wars I and II, were greatly influenced by the development of new and better weapons, e.g., the machine gun and modern artillery during World War I, and the greatly increased importance of armored vehicles, aircraft and naval power during World War II.<sup>2</sup>

Yet these wars had one thing in common: large land armies were still the principal instruments of decision, and all weapons systems and other capabilities were geared to their support.

### WORLD WAR II

To suggest something of the magnitude of the United States effort at peak strength during World War II, the United States had over 12,000,000 men under arms serving in all theaters, as compared with the 1968 levels of 3,500,000. It lost over 200,000 dead in battle.

The Soviets had a similar number under arms, but lost an estimated seven million in battle. Present Soviet military strength is estimated at approximately 3,220,000.<sup>3</sup>

It might be well to recall some of the numbers involved in the great Normandy invasion of June 6, 1944. Some 5,000 vessels—the largest naval fleet in history—participated in the landings under an umbrella of aircraft which were estimated to have carried out more than 12,000 sorties on the day of the invasion. In retrospect, it might be said of the Normandy landings that they represented the ascendancy of means, i.e., of overwhelming manpower and firepower as well as superior logistics management, over sophisticated strategic doctrine. Raymond Aron has pointed out in *The Century of Total War* that World War II demonstrated the American proclivity for conserving manpower through the prodigal expenditure of technological resources.<sup>4</sup> But the fact remains that huge manpower resources were required.

The use of the atomic bomb against Japan, as well as the belief that something approaching real peace was in sight, and domestic pressures to “bring the boys home,” influenced United States strategic thinking regarding the role of land forces following World War II. United States forces were quickly withdrawn from Europe and the conventional American military establishment was rapidly dismantled. By 1948, the Army was scaled down from 3.5 million to about 525,000 men and 10 skeleton divisions.<sup>5</sup> Thus our atomic monop-

oly served to rationalize the United States decision to accede to irresistible domestic pressures for demobilization.

### GROUND FORCES IN KOREA

The United States did not break sharply with the past until the Korean War of 1950. Until Korea, the established concept of all-out war waged by all the manpower and weapons that could be mustered still represented the epitome of sound military policy.

But in Korea, as General Matthew Ridgway noted: “. . . for the first time in our history we became acquainted with the concept of limited war.”<sup>6</sup> He contrasts Korea with World War II:

One mistake we avoided in Korea was an insistence on “total victory” or “unconditional surrender” or even a “halt to aggression” before talking peace. . . . A limited war is not merely a small war that has not grown to full size. It is a war in which the objectives are specifically limited in the light of our national interest and current capabilities.<sup>7</sup>

United States military power was conceptually employed for the first time on a large scale in Korea to achieve a limited objective—to halt aggression and bring an end to the conflict without seeking the complete capitulation of the enemy. In fact, we settled for a truce along the line where the battle began. That the war—and particularly its limited nature—was not popular in the United States was dramatized on election day in 1952. The Korean War had become the major issue in the campaign and former General Dwight Eisenhower, hero of World War II, used his mandate at the polls to negotiate an end to the war. Thus the Korean War was a harbinger of the current opposition to massive intervention with ground forces abroad, particularly in Asia. It may be recalled that in March, 1954, Vice President Richard Nixon suggested that the United States intervene with air and naval power in Vietnam to help the French at Dien Bien Phu. This idea was apparently favored by Admiral Arthur Radford, chairman of the Joint Chiefs of Staff. But the Nixon suggestion (made in a speech and obviously intended as a “trial balloon” to assess public support for such an action)

<sup>3</sup> *The Military Balance*, 1967–1968. (London: The Institute for Strategic Studies, 1967), p. 5.

<sup>4</sup> Raymond Aron, *The Century of Total War* (Boston: Beacon, 1955).

<sup>5</sup> Theodore Ropp, *War in the Modern World* (Durham, North Carolina: Duke University Press, 1959), p. 378.

<sup>6</sup> *The Korean War* (Garden City, N. Y.: Doubleday and Company, 1967), p. vi.

<sup>7</sup> *Ibid.*, p. 245. The limitations placed on U. S. air power in allowing a sanctuary for enemy aircraft across the Yalu was one of the most fervently argued issues of the war. Still the land forces were the principal forces involved in Korea. For despite clear U.S. superiority in the air—no enemy aircraft reportedly penetrated to within 75 miles of the battlefield, at least in the daylight hours—we were still unable to prevent the enemy from being adequately reinforced and supplied. (See Alvin J. Cottrell, “The Role of NATO’s Air Forces,” *The Annals*, May, 1955, p. 105.)

was strongly opposed in many quarters. General Ridgway, then Army Chief of Staff, countered Nixon's suggestion with the comment that:

that same old delusive idea was advanced—that we could do things the cheap and easy way, by going into Indo-China with air and naval forces alone. To me this had an ominous ring. *For I felt sure that if we committed air and naval power to that area, we would have to follow them immediately with ground forces in support.*<sup>8</sup>

General Ridgway opposed United States intervention at a time when the United States military establishment had reached the peak of its postwar mobilization, approximately 3,600,000, as a result of the Korean War. His opposition to the use of military power for intervention on the Asian mainland pertained primarily to ground forces. Opposition to military intervention in Asia may be the most significant development in estimating the future role of United States military power in general, and ground forces in particular, in such conflicts. Current opposition now involves all services and particularly the air force.

#### GROUND FORCE USE IN OTHER AREAS

The role which ground forces have played and are now playing in other areas since the end of World War II will of necessity vary from area to area. In Europe, for example, NATO and specifically United States ground forces have served largely as a "tripwire" which constitutes an earnest of our commitment to defend Europe. The "tripwire" for ground forces in NATO has been described by Enoch Powell, conservative defense spokesman in England, as "the frontier guard which automatically sets off nuclear war rather as a burglar trap rings an alarm bell. . . ."

The United States-NATO ground forces have never reached the minimum levels established in the various NATO force plans. During the greater period of NATO's existence, such plans have called for the equivalent of 30 ready divisions. But in fact, NATO

has never had more than 25 divisions on the central European front. These NATO divisions confront a roughly equal number of Soviet divisions in East Germany and East Europe. (The Soviets have usually been credited with approximately 22 divisions in East Germany.) NATO's 30-division force goal was meant to insure that the Soviet divisions in East Germany would not be adequate by themselves for a decisive assault against Western Europe. But the NATO force has never been considered adequate to deal with any significantly reinforced Soviet forces, without resort to nuclear capabilities. Thus the United States has publicly announced that it has 7,000 nuclear warheads stored within the European NATO theater.

The acceptance by NATO of an inferior ground force conventional posture was not occasioned by any deficiency in the necessary resources or manpower of its members. Actually, manpower ratios favor the NATO countries, and United States and Soviet forces today are roughly equal. It must be remembered, however, that a greater supporting force is required to put an American soldier into combat. United States-NATO numerical deficiencies in ground strength have been due largely to a lack of will, particularly on the part of our NATO allies. This lack of will must be attributed to a variety of political, military and economic factors. The latter consideration is particularly relevant with regard to England, but budgetary reasons for a troop reduction were also cited by the West Germans in the summer of 1967.

An important change in NATO strategy affecting the role of ground forces occurred in 1954. Shortly after President Eisenhower took office the administration enunciated the so-called "New Look in American Defense Policy" which presaged a shift towards primary reliance on nuclear weapons to make up for the conventional deficiencies in NATO's force levels. The new doctrine, characterized by the phrase "a bigger bang for the buck," came under sharp attack by many in and out of government.<sup>9</sup> Many of the critics argued that a strategy relying so heavily on nuclear weapons would become increasingly

<sup>8</sup> *Soldier: The Memoirs of Matthew B. Ridgway* (New York: Harper & Brothers, 1956), p. 276. (Italics added.)

<sup>9</sup> See for example Maxwell Taylor, *The Uncertain Trumpet* (New York: Harper, 1959).

less credible as the Soviets increased their own capability to inflict unacceptable damage on the continental United States. Such a strategy left no option between doing nothing and fighting an all-out nuclear war.

When President John F. Kennedy assumed office in 1961 he brought with him many critics of the new NATO doctrine and of the entire concept of "massive retaliation" enunciated by Secretary of State John Foster Dulles in January, 1954. It was natural that the Kennedy Administration, anxious as it was for arms control reasons to reduce the dangers of a precipitate nuclear response, should try to reverse the policy of heavy reliance on nuclear weapons which characterized the "New Look" strategy. Using such terms as "flexible response" and "graduated deterrence" the Kennedy Administration sought to alter the Eisenhower policy. Not only did these efforts fail; they were also strongly opposed by our principal NATO allies.

Now, in fact, NATO strategy has come almost full circle. Now, in 1968—despite official statements to the contrary—there appears to be a return, in fact if not in theory, to a *de facto* "tripwire concept" with regard to the role of ground forces.

Even more significant than the French withdrawal from NATO, as far as United States defense strategy in Europe is concerned, has been the increasing insistence by leading political and military figures in the United States upon the reduction of our ground forces in Europe.

Since 1966, Senate majority leader Mike Mansfield of Montana and other prominent Senators have been urging the withdrawal of as many as four of the six divisions from the United States Seventh Army in Germany, the most modern and effective fighting force in NATO. Senator Mansfield has received support for his view from General Eisenhower, who has suggested that United States forces could be reduced to two divisions, (in other words, a corps) as an earnest of the United States commitment to defend Europe; former Army General James Gavin has publicly made similar proposals. There has also been

much talk, based on the concept of the increased United States airlift capabilities, of rotating troops from the United States to Europe. Thus, we seem to be moving in the direction of a "mobile" rather than a "stationary" tripwire concept for our ground forces.

What we have seen in Europe—the area most vital to United States interests—has been the gradual acceptance by the United States of ground forces as a political-military symbol of our commitment to Europe's defense rather than as a key instrument for decision in Europe should the presence of such forces fail to deter. This, of course, differs greatly from earlier twentieth century concepts of the role of ground forces.

Perhaps this was inevitable as the result of vast changes in military technology. The advance in firepower resulting from the development of nuclear power for military purposes represents the greatest quantum leap in military firepower in history. The new central role of nuclear weapons has led to the increasing acceptance in the United States of a concept, already widely accepted in Europe, which rests more on preventing war than on fighting should deterrence fail.

### SELECTIVE INTERVENTION

In other areas—e.g. the Middle East—we also appear to rely on a mobile tripwire rather than on numerical superiority. Perhaps in such areas, from a political and a military point of view, the only sensible strategy is one in which we carry out a preemptive intervention to stabilize the situation as quickly as possible, when our interests are clearly involved in a critical situation, then withdraw. When our interests are involved, preemptive arrival, perhaps with relatively small forces, may often prove adequate to the challenge, since it thrusts upon the other superpower the onus of counterintervening and of creating a direct confrontation which might lead to nuclear war. Such a strategy of selective intervention might be carried out with the limited objective of damping the crisis and moving out as quickly as possible. The United States intervention in Lebanon in 1958 was a nearly

perfect example of the way to implement such a strategic concept. There American forces at peak strength deployed in the Lebanon totaled only about 15,000—8,000 Army and 6,000 Marines.<sup>10</sup> Interventions by such small forces are not new in history. Indeed, the United States frequently intervened in Latin America (e.g., in Nicaragua and Cuba) with small forces. What is new is their current close linkage to the strategic nuclear forces of the United States with all the related risks of nuclear war that the enemy must ponder.

It now seems clear that protracted, large-scale interventions of the Korean type and, much more significantly, current military action in Vietnam do not conform to the developing United States domestic and international political environments. Inevitably, the unfavorable environment now developing with respect to such great military undertakings, involving as they do large ground forces, may make such undertakings a thing of the past. There is much opposition to the escalation of the war, even by congressional supporters of the Administration, if the role of additional ground troops is simply to implement the present "gradualist" strategy which some believe to be bankrupt. After a one-man inspection tour of Vietnam in January, 1968, Senator Joseph Clark (D., Penn.) of the Senate Foreign Relations Committee stated:

... We are stalemated in Vietnam as we were in Korea 15 years ago. We must take the action we took then; seize the initiative to reach a compromise solution—without military victory but also without defeat. *And never, never again should we commit a ground army on the mainland of Asia.*<sup>11</sup>

Senator Mike Mansfield, arguing against further escalation of the war, has also stated that: "We are in the wrong place and fighting the wrong kind of war."<sup>12</sup>

As an alternative, retired General James

Gavin has recommended the so-called enclave strategy—a strategy which calls for the defense of key strategic points like Camranh Bay, Danang and Saigon, without any effort on the part of the United States to hold the countryside—a strategy which would enable the United States to reduce its forces in Vietnam.<sup>13</sup>

Certainly the opposition to United States intervention in Vietnam, at home and abroad, raises the question of whether even limited wars of the magnitude of Vietnam are possible in a democratic society. The validity of the concept of limited war has yet to be proven. As of April 1, 1968, the United States had about 510,000 men in Vietnam, with more to come. Perhaps a more serious issue than the size of the force in Vietnam is the magnitude of the casualty list, which by March, 1968, had surpassed that of the Korean War.

It is conceivable that failure in Vietnam will so discredit the use of our military power that even lesser interventions of the Lebanese kind will be proscribed by domestic and international opinion; this may be the case even if the United States achieves a clear "victory" in Vietnam. In any event, as far as Vietnam and the rest of Asia is concerned, Professor Edwin Reischauer of Harvard, our ambassador to Japan under the Kennedy and Johnson administrations, has observed:

Vietnam has made it much more dubious than it was before that we would intervene strongly in a similar situation elsewhere in Asia and unthinkable that we would do it while the Vietnam war lasted . . . we are coming to the end of a policy.<sup>14</sup>

For a variety of political and economic reasons, the United States may well be forced more and more into a strategy of primary reliance on strategic offensive capabilities and naval power unless it is prepared, as seems unlikely, to employ nuclear weapons.

## CHINESE MANPOWER

Certainly, fear of Chinese Communist manpower has been a key factor in the concern of many who fear further escalation of the war in Vietnam, especially the possibility of

<sup>10</sup> Robert McClintock, *The Meaning of Limited War* (Boston: Houghton Mifflin, 1967), p. 114.

<sup>11</sup> *The Washington Post*, March 10, 1968. Italics added.

<sup>12</sup> *The New York Times*, March 10, 1968.

<sup>13</sup> See *Crisis Now* (New York: Random House, 1968), p. 58.

<sup>14</sup> "A Broad Look at Our Asian Policy," *The New York Times Magazine*, March 10, 1963, p. 105.



a United States ground invasion of North Vietnam. Total Chinese military strength has been reliably estimated at 2,700,000, with ground forces accounting for all but 200,000 of this total. Both the Soviet Union and the United States have more men under arms, but Chinese Communist ground forces are superior numerically to Soviet and American forces: The Soviets have an estimated 2,000,000 of their total military strength allocated to the Army; the United States has an Army total of 1,470,000. As is true of the Soviets versus the Americans, the size of Chinese forces is deceptive because the Chinese place even less emphasis on forces supporting the combat soldier. For the present, however, given the internal turmoil in China, it is doubtful that China's Communist leaders could employ their ground strength safely outside of China without risking loss of control throughout China.

Perhaps the most sweeping proposal for a change in United States strategy was proposed by Walter Lippmann, who called for an American withdrawal from the Asian mainland to Australia and New Zealand for the defense of the island chain around the periphery of Asia:

The essential difference between what we have done in Vietnam and what we should have done is that we have gone ashore on the mainland—where the masses of Vietnam and of China can march against us. The right way, indeed the right thing to do now, is to take our stand on territory separated by blue water from the mainland and from the masses who live on it. . . . I believe that this analysis points to Australia and New Zealand as the proper forward base of American power in the South Pacific. . . . An American decision to pull back to Australia will not only end the war in Vietnam but will remove any near prospect of war with China. . . . The controlling fact about the Chinese and Vietnamese military forces is that they can march but cannot swim.<sup>15</sup>

There is no doubt that this concept will commend itself to many who oppose military intervention in general, and military intervention in Vietnam specifically. But it appears to ignore the question of what happens to

Thailand, Laos, Cambodia, Hong Kong, Malaysia, Singapore and Korea.

### ROLE OF LAND FORCES

While this article has been written from the United States point of view, it is clear that ground forces continue to play a major role in Soviet and Chinese strategic thinking. This is of necessity even truer of China than of Russia. Throughout the postwar period the land forces of both Communist powers have persistently bedeviled United States military planners because of American ground deficiencies. The United States and its allies have been forced to think of more sophisticated ways to compensate for the Communist superiority in conventional military manpower. While a discussion of what kind of force posture the United States should maintain is not the purpose of this article, certain conclusions are indicated if domestic opposition to United States military intervention continues. For it is this opposition more than abstract military doctrine, no matter how brilliantly formulated, which will in large measure determine future strategy and the role of land forces. Much of the opposition to military intervention is mistakenly attributed to the war in Vietnam, but it seems likely that while the Vietnamese war may have triggered the now crucial debate over military policy, the real roots of the problem go much deeper. What is really involved, as far as some of the opposition is concerned, is an objection to military intervention per se.

(Continued on page 367)

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<sup>15</sup> *The Washington Post*, October 22, 1967.

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*This expert points out that despite "the weaknesses of a repeatedly improvised volunteer system, the Americans clung to it because it expressed basic American conditions and values. . . ."*

# Raising Armies Before the Civil War

BY WILLIAM G. CARLETON

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PRE-TWENTIETH-CENTURY AMERICANS had strong feelings against military professionalism. Their regular army was little more than a token force. They despised conscription, and until the Civil War they rejected it. Even in the Civil War the draftees were secondary to the volunteers. In fighting their wars, Americans traditionally relied on voluntary and temporary military service.

Before the Revolution, each of the 13 colonies had its own militia, and all able-bodied males from 16 to 60 were subject to service. Universal service, however, was ill enforced. The militia did very well in quelling local disturbances and fighting local Indian wars; but in waging the large-scale wars of the late seventeenth century and of the eighteenth century with the Spanish, the French, and their Indian allies (King William's War, Queen Anne's War, King George's War, and the Great War of 1754-1763), every colony found it necessary to resort to special recruitments of volunteers.

Colonials recoiled from fighting outside their own colony, and recruitments lagged except when local frontiers were harassed—and often even then. The British complained that the colonies did not act enough in their own defense; they prodded them to do more; and yet they held colonial military efforts in contempt. That contempt was largely justified. Colonial expeditions against the French in Canada during all four of the French and Indian wars bogged down again and again;

and the pacifism of Pennsylvania's Quaker leaders exposed the frontiers of the keystone colony to repeated disasters. Those remarkable British victories in North America in 1759 (climaxing in James Wolfe's taking of Quebec), which resulted in the expulsion of the French from the continent, were largely the work of the British regulars.

Yet the Americans, forgetting their poor records in the colonial wars, seized upon two events of those wars to fortify their developing belief in the superiority of non-professionalism over professionalism. One was the improvised New England expedition of a fleet of fishing smacks and 4,000 volunteers which, in 1745, captured Louisbourg, in Nova Scotia, the mightiest fort in North America. The other was the spectacular defeat, in 1755, at the forks of the Ohio, of Edward Braddock's crack British regulars by a handful of Frenchmen and their Indian allies.

At the time of the Revolution (1775-1783), the Americans had no regular army; they were compelled to rely on improvisation and volunteers; and since they won that war, Americans were confirmed in the tradition of military non-professionalism. George Washington's Continental Army was composed of companies of riflemen from several states (enlisted for the duration), companies of musketeers from various states (enlisted for short terms, often for one year), and attached state militia units. Militiamen also fought in various parts of the country, independent of the Continental Army. Clusters of irregulars

and minutemen often operated as guerrillas, especially in the backcountry.

### HOW THE VOLUNTEER SYSTEM OPERATED

After they had won their independence, the Americans depended on a small peacetime regular army, employed mostly to defend their frontiers and to fight Indians. This army was recruited from volunteers who enlisted for longer terms than the wartime volunteers, many of whom reenlisted repeatedly. Hardened by Indian fighting and long experience, these old regulars and their officers trained the raw recruits who joined the army in time of war. Following the War of 1812, the peacetime regular army was limited to a maximum of 10,000 men, but it usually fell far short of that; and on the eve of the Mexican War its actual strength was little more than 7,000.

In time of war, the regular army was enlarged with volunteer recruits who enlisted for short terms—often for one year and sometimes for only six months. During the War of 1812 (1812–1814), the regular army rose to around 34,000 men; and during the Mexican War (1846–1848), it rose to around 31,000. When wartime volunteering slackened, cash bounties were sometimes paid to new volunteers to encourage enlistments. Veteran volunteers, who had been paid no bounty, resented this. A similar situation in 1781 had sparked the famous mutiny of the Pennsylvania Line in the Continental Army.

There was a marked distinction between the experienced “old regulars” and the wartime “new regulars.” Even the officers of the new men were often a different breed from the officers of the old men. As the regular army expanded in time of war, so also did the officerships, and the new officerships often went to prominent laymen who had taken the lead in their local communities in enlisting the war volunteers. Hence it frequently fell to the lot of the officers of the old regulars to train and direct the new men and their officers as well.

In time of war, there was also much dependence on military units outside the regular

army. During the War of 1812, state militia units, enlarged by wartime volunteers, were important and carried on a number of campaigns. (Their records, however, were generally poor.) Militia officers were commissioned by the state's governor, although these appointments often merely confirmed the elections already made by the men, and they almost always reflected popular sentiment. Following the War of 1812, the states increasingly neglected their militias for a variety of reasons; but militia units were kept alive in various localities by young men interested in military affairs and by prominent citizens.

During the Mexican War some militia units were used, but far more numerous and important were the volunteer units which were not connected with the militia. These volunteer units were composed of men who did not want to join the regular army. They wanted to serve with men of their own neighborhood, or class, or ethnic or religious group; or they wanted to be sure of serving under local leaders who had recruited them and whom they admired. These volunteer units elected their own officers, often even those at the very top.

When mustered into the federal service, militia units and volunteer units came under the direction of the federal government and were paid, equipped and supplied by that government. Assigned to campaign along with the regular army, militia units and volunteer units were often the last to be used, and generally they were given less important and less vulnerable positions in battle formation. Sometimes such units were under orders to campaign on their own, independent of the regular army. During the Mexican War, the number of men in the volunteer groups outside the regular army was double the number of the “new” and the “old” regulars combined.

An example, taken from the Mexican War, of how this haphazard system operated—at its best—is furnished by Colonel Alexander W. Doniphan's First Regiment of Missouri Mounted Volunteers. This regiment of 860 riflemen was recruited from Missouri farm boys by Doniphan, a frontier lawyer with no formal knowledge of military science. All of



its officers, including Doniphan, were elected by the men in the outfit. Along with some other volunteer units, Doniphan's regiment was attached to some regulars for service in Colonel S. W. Kearny's expedition, which conquered New Mexico. After the fall of Santa Fe, Doniphan's regiment was allowed to operate on its own. Cutting itself off from all supply bases, it traversed 3,000 miles of wasteland, mostly in enemy country, to take El Paso and then the city of Chihuahua deep in Mexico—one of the great sagas of military history.

In time of war, then, the United States military establishment was complicated; much of it was improvised and decentralized; frequently it was short of manpower, equipment and supplies. Washington's Continental Army never exceeded 20,000 men. The War of 1812 was waged over many fronts, yet when the regular army's ceiling was raised to 62,000 men, the appeals for volunteers resulted in an increased army of little more than half the ceiling. President James Madison's proposal to raise 100,000 men by conscription was unacceptable to Congress and public alike. During the Mexican War, the various battlefronts ranged from California to Vera Cruz, but the total military manpower (old regulars, new regulars, volunteer groups) was never much more than 90,000 men. Winfield Scott's army, which fought its way from Vera Cruz to Mexico City, usually had only 10,000 men, and sometimes fell below that.

During the Revolution, the War of 1812, and the Mexican War, army pay was often in arrears and supplies were meager. Washington's awful winter at Valley Forge is well known, but there were a number of "little Valley Forges" in all these wars. On many occasions, American armies were forced to forage, not only in enemy territory but also in friendly territory. Americans made it a general rule to avoid battle, if possible, unless they had a preponderance of men and materials.

Why the niggardliness in the general day-to-day military operations? There were a number of reasons: the disinclination of

Americans to dislocate civilian life; the perennial optimism that every war would be a short one; the traditional American resistance to taxation; the invariable unpreparedness of ordnance, quartermaster, and other administrative agencies at the beginning of every war; the enormous difficulties of communication and transportation over vast distances and long stretches of wilderness.

### **THE WEAKNESSES OF THE VOLUNTEER SYSTEM**

Not only did the volunteer system (as applied to the regular army and to units outside the regular army) fail to provide sufficient wartime manpower, but it also gave free rein to certain abuses of localism. When the fighting was near home, there was a marked increase in militiamen and volunteers; but when it was elsewhere, there was a sharp decline. Many localities remained remote from the scenes of fighting, and these did not do their part in contributing manpower to the national defense. Even when wars were fought outside the United States, those nearest the scene (in the Mexican War, for example, the men of the lower Mississippi Valley and Texas) did a disproportionate share of the fighting. In the War of 1812, there were a number of cases in which state militiamen refused to invade Canada or even to carry their operations into another state, on the plea that the terms of their service did not require them to fight beyond the borders of their own state.

The practice of recruiting wartime volunteers for short terms played havoc with military operations. Most volunteers insisted on being relieved at the end of their stipulated term, even though this might occur during a critical campaign and involve the release of a number of companies and regiments simultaneously. Appeals for reenlistments usually went unheeded. The attitude was: "I have served my time, now let the other fellow serve his." At the worst, this practice resulted in the depletion of manpower at a crucial juncture; at the best, it meant hastily training batches of raw replacements. General Washington always dreaded the approach of De-

ember 30, for that was the date most one-year enlistments in his Continental Army ran out. During the Mexican War, Scott had to halt his perilous march from Vera Cruz to Mexico City in order to arrange for the safe return to the states of several thousand volunteers whose enlistments had expired. He was left, for the time, deep in enemy country with only 7,000 men.

There was never enough time to train the men or even the officers for war. Most recruits were rural youths who had free-wheeling frontier or semi-frontier habits; they were not accustomed to cooperating with other people. They were handy with guns, but they thought that individual marksmanship was all that counted. They disdained organized discipline, parades, drills and maneuvering as so much play-acting. Baron Friedrich Wilhelm von Steuben, on Washington's staff, anticipated the headaches of future drillmasters in America when he blurted out: "Goddam de gaucheries of dese badauts. Je ne puis plus. I can curse dem no more." When militiamen and volunteer units elected their own officers, these elections often took on the aspects of political campaigns back home. Sometimes the officers seemed to be more afraid of their men than the men were of their officers. Foreigners often commented that Americans made good fighters but poor soldiers. Discipline and experience *did* count, for the battle casualties of the volunteers were usually higher than those of the old regulars.

Recruits hated building camps and draining ditches; when they bothered to dig latrines, they dug them too close to camp. They drank too much, brawled too much, and wasted food, drinking water, bedding, clothing and ammunition. They drank water from stagnant ponds and buffalo wallows. Prior to the twentieth century, all armies suffered more casualties from disease and epidemics than from battles; but United States armies seem to have suffered more from disease than did European armies; and such casualties were usually higher among the volunteers than among the old regulars.

The volunteers boasted of their resistance to discipline; they said that they joined the

army not to work but to fight. The slogan of a North Carolina company during the Mexican War was: "Soldier, will you work?" "Sell my shirt first." "Soldier, will you fight?" "Twell I die." When they were admonished for their slovenly and nondescript dress, volunteers bragged that they would fight for their country but not dress for it.

The lack of discipline also accounted for the large number of desertions from United States armies. Again, desertions were higher among volunteers than among old regulars. America's frontier culture produced a large number of rovers, so when one became dissatisfied with army life he often simply disappeared. Because of the lack of communications, few deserters were apprehended.

It was on foreign soil, particularly in Mexico, that the American volunteer showed himself at his worst. President James Polk was distressed by the rowdy, bullying way the volunteers treated Mexican civilians, for he had hoped to win the people of the northern Mexican provinces to United States annexation. The roistering, rip-roaring conduct of the volunteer troops in New Mexico helped spark revolts in Santa Fe and Taos that were more troublesome than the original conquest.

The United States army was neither a class army nor a professional army; instead it became a political army. Men with political ambitions recruited volunteers in order to be chosen to high officerships and thereby get wide publicity for their martial activities. Officers sought to be popular with the rank-and-file, for army popularity would later help win civilian elections back home. The President, the war department, and Congress "played politics" with the army. Even Washington was not immune to the animosities and ambitions of politicians, as the Conway Cabal in the Continental Congress revealed. During the undeclared war with France in 1798, President John Adams, against his better judgment, was forced by Federalist party politicians to make Alexander Hamilton head of the temporarily expanded army. At the beginning of the War of 1812, many of those given high commands were superannuated Revolutionary War veterans with political

"names." The Mexican War was honey-combed with politics. The number of Democratic politicians who overnight became colonels and brigadiers was astonishing. President Polk was irritated that the war's two leading generals, Zachary Taylor and Winfield Scott, were both Whigs; yet he could not dispense with their services, so he surrounded them with restrictions and "court-favored" officers. While they were waging the war, both Taylor and Scott were in effect running for the Whig nomination for President, but Taylor allowed his presidential ambitions to affect his military conduct far more than did Scott.

#### **OUR MILITARY SYSTEM: AN EXPRESSION OF AMERICAN CULTURE**

Despite the weaknesses of a repeatedly improvised volunteer system, the Americans clung to it because it expressed basic American conditions and values—localism, pluralism, non-professionalism, devotion to liberty, and a folksy egalitarianism.

The Americans inherited the British distrust of a large professional standing army. They regarded such an army as a threat to their liberties. Americans could afford to indulge their distrust of militarism more than could the British, for the Americans faced fewer wars and world involvements. Americans associated a professional army with the armies in Europe, where the soldiers were drawn from the distressed classes and the officers from the aristocracy and the gentry. Americans regarded the "frills and folderol" of European armies as combinations of medieval chivalry and caste privilege. But they abhorred the military draft even more than they did a professional army. Despite the use of conscription by revolutionary France, Americans thought of it as a monstrous violation of individual freedom and a relic of the feudal lord's mass levy.

In the United States, men were jacks-of-all-trades, and the successful forged ahead without formal education or training. If this were true in civil life, why not also in military life? To the Americans, the prerequisites of a good officer were simple—courage, common

sense, native ability, quickness of mind, some boning up on mathematics and surveying, and a reading of Caesar's *Commentaries*. Nathanael Greene had been a farmer and smith, Francis Marion a modest planter, Daniel Morgan a teamster, John Sullivan a lawyer, Anthony Wayne a farmer and land surveyor. Prior to the Civil War, the nation's two outstanding military heroes were George Washington and Andrew Jackson, and both had been largely self-taught amateurs with some prior experience in backwoods fighting.

If so little formal training was necessary to make an officer, it was thought that even less was necessary to make an ordinary soldier. Native Americans were not much attracted to service in America's regular peacetime army anyway, and in the years from the Revolution to the Civil War a substantial portion of that small force—often more than one-third of it—was composed of foreign-born immigrants.

It was not until 1802 that Americans finally founded at West Point a military academy for the training of professional officers, and for years that institution was starved for funds. On the eve of the Mexican War, Congress was debating a measure to abolish West Point. West Pointers were characterized as "puppets and aristocrats." On the other hand, General Scott, who was not a West Pointer, expressed the professional view when he declared that without his junior officers who were graduates of the Academy, the United States army could never have set foot in Mexico City. Many of these junior officers would become famous commanders in the Civil War.

At the time of the Mexican War, it appeared that the American preference for the non-professional had become, under the impact of Jacksonian democracy, a veritable anti-professionalism. The American people rejected both Stephen Kearny and Scott, the most competent commanders of that war. Winfield Scott was derided by the populace as "Old Fuss and Feathers" although he had done more than any other individual to win the war, and was the idol of the junior professionals. On the other hand, the people made heroes of John C. Frémont, who was

little better than a military impostor, and Zachary Taylor, a veteran of the regular army but never respected by those well versed in military science. The people said that "Old Zach" was "folksy" and "as plain as an old shoe"; they hailed him as "Old Rough and Ready" and made him President.

American military practices also expressed the American society's localism and pluralism. The volunteer system allowed those localities most affected by a war to support it wholeheartedly, but that system also allowed those localities less affected by a war and even hostile to it (as was New England to the War of 1812) to escape its military burdens. (In those days when the Americans were less nationalistic than they later became, there was some wisdom in this.) Again, the volunteer system permitted one to choose whether he would serve with his neighbors, or fellow members of his social class, or fellow members of his ethnic or religious group. During the Mexican War, there were German-American units, Irish-American units, even a Mormon battalion. (One of the Irish-American units deserted to the Mexicans and fought valiantly under Santa Anna.) This practice did not appear to the Americans of that time as segregation or hyphenated Americanism but as a pragmatic recognition of American diversity.

Americans erected their haphazard and improvised way of waging war into a national legend. They played down the achievements of the professionals and exalted the exploits of the non-professionals—the swarming of the minutemen at Lexington and Concord, the victories of backwoodsmen at Bennington and King's Mountain, the feats of the Revolutionary guerrillas of the Carolinas, the seizure of an empire by a handful of frontiersmen under George Rogers Clark, the sensational victory of Andrew Jackson's militiamen over Red-coat regulars at New Orleans, the "big win" of "General" Sam Houston at San Jacinto, the odyssey of Doniphan's gamecocks.

#### WHY THE AMERICANS ESCAPED DISASTER

The professionals had a less romantic view. To General Washington, the American vic-

tory in the American Revolution was almost inexplicable. In 1783, he observed that anyone who attempted to write a history of the Revolution would run the risk of having his work called fiction. He put his finger on the American weakness:

To bring men to be well acquainted with the duties of a soldier requires time. . . . To expect the same service from raw and undisciplined recruits as from veteran soldiers is to expect what never did and perhaps never will happen.

What Washington said about the American military weakness during the Revolution would also help explain the poor showing of the Americans in the War of 1812, and why even in the War with Mexico a number of the American "victories" were so precariously won (Monterey, Churubusco) or were actually a draw (Buena Vista).

For a number of reasons Americans were able to continue many unorthodox military practices without bringing disaster to the nation. All United States wars, up to the Mexican War, were fought mostly on United States territory, where the Americans had the defensive advantages of great distances, wilderness spaces, and a thorough knowledge of the terrain. (In the Revolution, they also had powerful aid from France.) In the Mexican War, the Americans were pitted against a people who were scarcely a nation and whose government was a travesty. There was also considerable truth in the belief that Americans needed less formal training than the fighting men of other nations, for the large majority of Americans of the preindustrial age lived hardy, out-of-doors existences.

During the Revolution, the Americans made the first general use of the light, thin skirmish line, a deployment of infantry in open formation. This was a "natural" for  
(Continued on page 363)

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*Describing the conscription methods used by both the Union and the Confederacy during the Civil War, this historian points out that "Of the more than two and a half million men raised for service in the Union Army . . . only about six per cent were raised directly by the draft. . . . The act clearly was more of a whip in the hands of the government to spur state activity than a source of manpower." In the South, "whether conscription was worth the trouble and effort it involved is doubtful. . . . Undoubtedly, it was a failure, except in that it propelled people into volunteering."*

# The Civil War and Conscription

BY ELDEN E. BILLINGS

*Legislative Reference Service, Library of Congress*

THE UNITED STATES was woefully unprepared for war in 1861. The regular Army was small, with a paper strength of 16,402 on January 1, 1861, but with only 14,657 officers and men actually on duty. Of its 198 companies, 183 were stationed on the western frontier. Some demoralization had set in because 313 of its officers (29 per cent of the total) had decided to join the Confederacy. Even more serious was the high caliber of the men who had left. Such officers as Robert E. Lee, Joseph E. Johnston and Albert Sidney Johnston had been among the most capable officers in the army. Four of the five commanders of mounted regiments left with their states. Few enlisted men turned against the government.

In 1861, the regular Army, commanded by old men, was dispersed over too wide an area; it was too small to suppress a rebellion of any magnitude or to conduct sustained warfare. This was to prove true during the conflict. Although 67,000 enlisted in the regular Army during the war, there were never more than 26,000 men present at any one time. To speed recruiting and enlarge the regular Army, bounties of \$402 were offered in the spring of 1864, but even this action had little effect. Volunteers were not eager to join

because service was set for a definite period; two dollars per month was withheld from pay; states granted bounties to their volunteers and pensions to volunteers' families, but none to regular Army men; and the discipline was more rigid in the regular Army.

Traditionally, the country had fought its wars with volunteers organized as an emergency army. To organize such a force took time and resources, neither of which was readily available in 1861. In the early months of the conflict thousands of volunteers were turned away because of lack of war materiel. Theoretically, the force to be relied on under such circumstances was the militia, still governed by the Militia Act of 1792, which virtually handed Congress's war powers to the states. Although the militia had failed in the War of 1812 and had not been used in the Mexican War, it remained the only force the President could legally muster.

When Fort Sumter surrendered on April 14, President Abraham Lincoln issued a special proclamation on April 15, summoning a special session of Congress to convene on July 4 and calling for 75,000 militia for three months to suppress the rebellion, a move that elicited much criticism. The only statutory basis for increasing the military forces was the Militia Act of 1795, which limited



the term of service to three months in any year. Lincoln had no power to increase the regular Army by proclamation, such action being the prerogative of Congress.

Here one must note that the militia was both a state and a federal institution. Its forces were created by state laws; its officers were appointed by state authorities; its commander in chief was the state governor. However, it functioned under a uniform system of drill and organization prescribed by Congress. Under the federal Constitution, the President, through the state governor, could call the militia "to execute the law, to suppress insurrection or repel invasion." In this case the militia became a national force. On paper, the militia consisted of every able-bodied white male between the ages of 18 and 45.

At the beginning of January, 1861, the militia had a presumed strength of 3,163,711, of which 2,471,377 were from the Union states and 692,344 from Confederate states, but these impressive figures offered no indication of the militia's deterioration. Many states had not complied with the provisions of the Militia Act of 1792, although all states had enabling acts on their books, and although some of the reports made to the government, as required by a law of 1803, dated back to 1827. Long before the Civil War, the muster and drill days had disappeared except as a time for picnicing and merriment.

Much criticism has been leveled at the militia, but its short service gave the government time to begin the difficult task of forming a volunteer army.

Trusting to popular approval, Lincoln assumed and exercised the powers of Congress between April and July 4, 1861. By proclamation, on May 3, he decreed that the regular Army should be increased by 22,714 officers and men, the navy by 18,000 seamen and the volunteers by 42,034, an aggregate increase of 82,748. When it met on July 4, Congress approved Lincoln's actions.

Strangely, the organizing of the men called in the May 3 proclamation was tossed into the lap of Salmon P. Chase, Secretary of the Treasury. Three officers were to aid him by

drawing up a plan for the army which he could accept or reject.

### THE REGULAR ARMY

The officers recommended that all volunteers be considered a part of the regular Army, which was to be organized with three-battalion regiment units—two battalions to be in the field, the third to remain at the depot, drilling and recruiting. This organization was rejected by Secretary Chase for the volunteers, although he accepted it for the regulars.

Another recommendation—that the term of service be three years—was approved.

General Winfield Scott, head of the Army, had the only formal plan for the conduct of the war. Although the plan grossly underestimated the size of the army necessary to carry it out, it became the plan for the conduct of the war. Scott estimated that a regular Army of 25,000 plus 60,000 3-year volunteers would be necessary to open the Mississippi River and conduct a land campaign in conjunction with a tight naval blockade of the Confederacy.

Unfortunately, Scott believed that only the regular Army would prove dependable and that it should serve as a leavening force. In the huge army assembled, however, it was too small to serve any useful purpose. It would have been far better to have utilized its men to train and to lead the volunteers.

On July 22, 1861, Congress passed legislation authorizing the President to accept 500,000 volunteers to repel invasion, suppress insurrection, enforce the law and to protect public property. These volunteers were to serve from six months to three years as the President deemed necessary and were to be disbanded at the end of the war. Quotas, taking account of the men already in the service, were apportioned among the states. The President was given the right to appoint general officers; the governors were to commission company and field officers. Military boards were then to examine the governors' appointments for qualification to office. Officer vacancies in the company grade were to be filled by vote of the enlisted men.

After the first fervor of enlistment, the government found it increasingly difficult to recruit the necessary men partly because of its inability to accept the rush of volunteers during the summer. Many people realized that the war would probably last a long time, and would require manpower in factories and on the land. The War Department seemed to assume that the structure of the Army was complete, and that nothing remained but to keep it up to the limits established by the proclamations of 1861.

## **MOBILIZATION**

The method followed in mobilization early in the war was for the President to issue a proclamation calling for a specified number of soldiers for a given period of time. The Secretary of War would then assign quotas to the governors of the states. Each governor, in turn, issued a proclamation subdividing the quota within the state and specifying the procedures to be followed. Mobilization within states was usually organized by regiments.

When the unit reached a prescribed strength it proceeded to a mustering point where it was inspected before muster into service by a regular Army officer. Once the oath of allegiance was taken, the unit (usually a regiment) was under federal jurisdiction.

Potential officers often undertook to recruit a regiment which they hoped to command. When the unit was assembled, such individuals usually were given commissions by the governor. At the beginning of the war, volunteers were sometimes called for at patriotic meetings and were permitted to elect their officers. And occasionally, private individuals were authorized by the War Department to raise regiments or brigades independently. Most governors opposed such activities because these individuals competed with them for the available manpower.

Until September, 1861, the federal government accepted regiments from both individuals and state governments. By that time there was so much chaos in recruiting that all units being recruited independent of the governors were placed under state control. Not until a general order of February 21,

1862, was this practice eliminated entirely.

Another step in systematizing mobilization was the plan of December 3, 1861, for establishing a replacement program. No more troops were to be raised except on special requisition of the War Department. General superintendents would take charge of central depots in each state; there volunteers would be concentrated, clothed and instructed. Recruiting squads from regiments in the field were to tour the country and send recruits to such rendezvous.

National prestige was enhanced when primary responsibility for manpower procurement was transferred to the federal government.

Perhaps this program could have been the basis of a national recruiting system or even a mass levy, but, unfortunately, Secretary of War Edwin Stanton made one of the colossal blunders of the war on April 3, 1862, when he discontinued the recruiting service. Stanton either believed that the army was of sufficient size to complete its mission or he wanted to economize. It became necessary to re-establish the recruiting service on June 6 that same year.

## **MILITIA ACT OF 1862**

Needing manpower, the President called for 300,000 volunteers on July 2, 1862. The immediate response was slow. Consequently, on July 17, Congress authorized Lincoln to call forth the militia for nine months, defining the militia as "all able-bodied male citizens between the ages of eighteen and forty-five."

A clause in this act provided that the President could "make all necessary rules and regulations" for states that did not have adequate militia laws. Under this provision, a call for drafting 300,000 militia for nine months was issued on August 4. A proviso was added that any state which had not furnished its full quota of three-year volunteers under the July 2 call should make up the deficiency by a special draft from the militia. This was the first time the federal government assumed military draft prerogatives in the United States. As a result of this legislation,

there were draft riots in Wisconsin and threatened riots in Pennsylvania and other states. Although procedures for enforcement were set up, this draft call was rescinded.

Increased bounties and the threat of a draft helped fill the calls of July 2 and August 4 without drafting men.

Bounties were an integral part of the volunteer system. Payments reached a staggering total for those days. Federal government bounties totaled \$300,223,500 and state bounties totaled \$285,941,036, a sum of \$586,164,536. The federal records were reasonably accurate, but the state estimates were only a minimum and bounties paid by counties, cities and towns were not included. Fred A. Shannon has estimated that the grand total of paid bounties probably exceeded three-quarters of a billion dollars, or about as much as the pay of the Army for the entire war.<sup>1</sup>

The following year, the Enrollment Act of 1863 became law; this legislation attempted to modify the mistakes of the 1862 legislation. Two lessons had been learned: (1) that the draft should be conducted by federal officials only and (2) that the term of service should be three years. Exempted were the physically or mentally unfit, persons who had been convicted of a felony, a restricted number of high government officials and men who were the sole support of aged parents or orphans.

All eligible men were divided into two classes: first, all between the ages of 20 and 35 and all unmarried men between the ages of 35 and 45 and, second, married men between the ages of 35 and 45. The second group was not to serve until the first group had been exhausted. Elaborate machinery was set up for enforcing the act including the new office of provost marshal general of the Army.

Service was not to exceed three years. Conscripts were given the same advance pay and the same bounties as volunteers. State quotas were established and opportunity was given for volunteering. The deficiency to be made up by conscription was the difference between

the state quota and the number of volunteers.

Two serious defects that marred the act were the right to hire a substitute and the right of commutation upon the payment of \$300. A man could hire a substitute, the pay to be determined between the two with the consequence that the wages of the substitute often were many times those of the volunteer with whom he served thus causing bitterness between the two groups. Other weaknesses were that the administration and the enforcement of the draft were lodged solely in military officers and that those liable to service were not required to register as a civic duty; instead, officers walked from house to house enrolling men.

A bitter struggle between the state authorities and the new provost marshal general was inaugurated by the Enrollment Act which took direct control of the draft away from the state governments and gave it to an officer in the War Department. Controversy arose over credit for earlier calls for volunteers and many other matters. A class of substitutes, called "bounty jumpers," sprang up whose chief aim was to collect the substitute fee and evade service in the army.

Draft riots occurred in many sections of the country. The most serious, in New York City, on July 13–16, 1863, resulted in an estimated 1,000 deaths and about \$1,500,000 in damages. Police, militia and units of the volunteers finally quelled the New York outbreak.

Of more than two and one-half million men raised for service in the Union Army during the Civil War only about six per cent were raised directly by the draft.

The indirect effects of the draft in encouraging enlistments cannot be determined with any precision, but the act clearly was more of a whip in the hands of the government to spur state activity than a source of manpower.

## FEDERAL RECRUITING

In addition to recruiting for the regular Army, the War Department assumed sole responsibility for recruiting three other categories of troops, namely, veteran volunteers, veterans reserve corps and Negro troops—

<sup>1</sup> Fred A. Shannon, *Organization and Administration of the Union Army, 1861–1865* (Cleveland: The Arthur H. Clark Company, 1928), Vol. 2, p. 80.

ventures which were more successful than recruiting for the regular Army.

Veteran volunteers were able-bodied men between the ages of 18 and 45 who had been honorably discharged from the service after at least nine months of service. Federal bounties amounting to \$402 were paid to each veteran who reenlisted, he was given a 30-day furlough and he could be counted in the quota of his state. If three-fourths of a regiment reenlisted it was sent home in a body for at least 30 days to reorganize and recruit. Between November 1, 1864, and October 31, 1865, 136,300 veteran volunteers had been furloughed and had returned to the field.

Perhaps the most successful of the federal programs was the veteran reserve corps, which consisted of men who, although not fit to undertake duty in the field, were able to perform light duty. By May 31, 1865, this corps numbered 762 officers and 29,852 enlisted men and more than 60,000 men had passed through its ranks. These soldiers received no bounty.

Government recruiting of Negro troops began officially in 1863, although some Negroes had been unofficially enlisted as early as the summer of 1862. In May, 1863, a Bureau for Colored Troops was established in the adjutant general's office and charged with the organization and supervision of Negro units. Eventually 186,017 Negroes served in the Union Army of whom about 134,000 came from slave states. Such units were used primarily as labor battalions and in garrison duty.

Under the popular General Winfield Scott Hancock, men who had had two years of prior service were given a \$500 bounty and permission to keep their arms, a recruiting plan

## THE CONFEDERACY

In organizing its armed forces the Confederacy moved much faster than the Union. As early as February 28, 1861, the Confeder-

which was going slowly when the war ended. ate Congress directed President Jefferson Davis to assume control of military operations in the Confederacy and to accept at his discretion state troops offered by the governors for terms of one year. According to this law, volunteers were to be received "by the consent of their state." Although a law passed March 6 authorized a regular Army of 10,600, it was never more than a paper organization. By May, Davis had been authorized to accept 400,000 volunteers for three years or to the end of the war.

Problems of mobilization in the Confederacy proved to be essentially the same as in the Union except that they were, if anything, more difficult. Without an extensive industrial complex and with a much smaller manpower pool, the South was compelled to resort to conservation measures much earlier than the North.

No complete compilation of the size of the Confederate Army is known to exist. Estimates of the aggregate total range from 600,000 to 1,650,000;<sup>2</sup> one recent study states "probably about 1,000,000 is the most accurate and generally accepted estimate."<sup>3</sup>

In the first year of the war the armies of the Confederacy were composed entirely of volunteers. But by the spring of 1862 the Union had won some important victories and it was evident that the conflict would be long and severe. Time had nearly expired for the 12-month volunteers and little enthusiasm was shown for reenlisting for three years.

## CONSCRIPTION ACT OF 1862

On April 16, the Confederate Congress passed the first national law in American history conscripting for military service every white man not legally exempt between the ages of 18 and 35 for a term of three years unless the war ended sooner. A few days later, and again on October 11 of that year, acts were passed exempting numerous professional and economic classes. Further amendments in 1863 permitted state governors to specify exemptible state officials.

All of these acts (as well as those passed by the Union Congress) permitted conscripts to

<sup>2</sup> For summary statement of various authorities see Fred A. Shannon, *op. cit.*, Vol. 1, p. 107 (footnote).

<sup>3</sup> Marvin A. Kreidberg and Merton G. Henry, *op. cit.*, p. 134.

offer substitutes, but such substitutes could not be subject to conscription. Substitution did not prove so disastrous in the Confederacy as in the Union, however, because: (1) in many communities nearly all eligible men were already serving and (2) the pressure of public opinion was such that those left at home hardly dared avoid service.

One provision of the Confederate Act that was not duplicated in Union legislation was the conscription of property as well as men.

Faced with serious manpower shortages, the Confederate Congress abolished the right of substitution on December 28, 1863. The congressional purpose was achieved and an epochal result was accomplished—the Confederate Congress established selective service for the first time on the American continent.

### CONSCRIPTION ACT OF 1864

On February 17, 1864, a conscription act was passed abolishing all industrial exemptions, except for the physically unfit, ministers, editors, printers, apothecaries, physicians and similar groups.

Theoretically, the act drafted all industrial workers into the army, but in practice there could be little change, for it was impossible suddenly to replace able-bodied, skilled workers with those who were physically unable to serve in the army.

Under the act 17-year-old boys and men from the ages of 45 to 50 were to form a reserve for local defense under Confederate, not state, authority.

The selective service system (it was not called by that name) made changes in organization necessary. Since the system claimed the entire manpower of the Confederacy for war purposes, it was necessary to provide for supporting the people and for maintaining essential industries. Local boards, not national offices, were established to administer the law.

### BUREAU OF CONSCRIPTION

A Bureau of Conscription was set up to administer the draft, using state officers insofar as possible. Previously, conscription had been

administered by the War Department. In each state, an officer was detailed to superintend the work of enrollment. The actual enrollment, as far as possible, was assigned to officers of the state militia.

Because records are incomplete, the success of Confederate conscription can never be known. What is known is that the system brought in about as many volunteers as conscripts. Colonel John S. Preston, the last superintendent of the Bureau of Conscription, in his final imperfect report, estimated that 81,993 conscripts and 76,206 volunteers were brought into service under the Bureau. In most states volunteers substantially outnumbered conscripts, but in North Carolina there were 21,343 conscripts and 8,000 volunteers.

However, Preston's report covered only the states east of the Mississippi River. It failed to include any men from Texas or Arkansas; it included only 81 from Louisiana; it did not include any from Alabama, Mississippi or West Tennessee in 1863 (in which year the Bureau had no control over those states). Thus the actual number of conscripts was underestimated. Preston argued, with some justification, that the 76,206 men volunteering under the clauses of the act permitting such action should have been considered as conscripts. If boys coming of age during the war had also been included in the estimates, conscripts would have totaled about 154,000. This was a small percentage of the soldiers in the Confederate Army.

*(Continued on page 366)*

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*This expert, describing the World War I draft, says "A holiday spirit was evident. . . . Any critical questioning of this 'joyous pilgrimage' was smothered in 'patriotic exaltation.' . . . Yet behind stood the iron hand of coercion."*

# The Draft in World War I

BY WARREN S. TRYON

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CONGRESS DECLARED WAR on Germany April 6, 1917, after a futile three-year struggle to maintain neutrality. Enthusiasm, approaching hysteria, ran high among the American people. It was an enthusiasm, however, untempered by any real knowledge of the situation. In fact, the United States was totally unprepared to engage in this or any other kind of military enterprise. Idealism found expression in a flow of noble words, and patriotism found an outlet in parades and flag-waving, but there was little comprehension of the nature of modern war, or what America must do to aid in winning that war. The result was a debate over ways and means that reached intense and often bitter proportions.

It was originally assumed that a modest armed force would be needed for defense within the United States, possibly with a token unit dispatched to France. Such fighting as might occur would probably be limited to naval engagements. The chief task of the nation would be to provide war materials, not men, for the Allies. Most Americans believed that raising a large army would divert the United States from its essential obligation and would thus do more harm than good. Misled by optimistic propaganda, and no doubt by wishful thinking, the belief that Germany was about to succumb to the armies of the Allies was also widespread.

A good deal of support for these attitudes was to be found in the pronouncements of the Allies themselves, especially the French.

After a conversation with French officials in Washington, Secretary of War Newton Baker declared that "this should be a war of finances, and supplies, and transportation, . . . the best protection we have against foreign aggression is the soldiers of France and England and the navies of the Allies." Major James Logan, Jr., had reported from Paris as late as March 30, 1917, that in talks with the French General Staff the French had shown "no particular interest in having American troops in France."

In the light of the actual military situation in the United States this "Fortress America" idea was a comfortable attitude, and apparently an inevitable one, for the armed forces of the nation had seldom been at a lower point. When war had broken out in Europe in 1914 the United States had in its regular army only slightly more than 80,000 officers and men, one-third of whom were in the overseas dependencies. In the National Guard there were some 127,000 men, but they were ill-trained since only 24 drills a year were required of them.

In the next three years voices were raised for greater preparedness. No one was more insistent than General Leonard Wood who, rather prophetically as it turned out, advocated conscription of all youth from 18 to 22 for two months of training over a four-year period. In addition he launched the Plattsburg idea for training some 1,200 men, but the 5-week course was attended largely by middle-aged lawyers, politicians, and busi-

ness men "together with male social butterflies from Newport and Bar Harbor and busy bees from Wall Street." There was good publicity in the experiment but the practical results were slim.

President Woodrow Wilson originally opposed preparedness, but by late 1915 he had become a tardy convert to the cause, apparently as much for reasons of expediency—an election was only a year away—as from conviction. In December, 1915, he recommended to Congress an increase in the regular army to 142,000 men and in the reserves, to 400,000. Raised on a volunteer basis, the men were to have two months of training over a 3-year period.

Even so modest a proposal found little favor in Congress, fearful of a military establishment, of involvement in the European war, and of the increased tax burden. Ardent preparedness advocate Henry Cabot Lodge gloomily declared the bill would never pass. All the same, six months later, under increasing public pressure, it passed as the National Defense Act of June 3, 1916. By its provisions, the regular army and the National Guard were to be increased, a "Third Force" was to be added, and officer training camps were established. In theory, it created an army of 1,125,000; in actuality it was a fortress on a paper pad.

The National Defense Act, significantly, maintained the concept of a volunteer army. Wilson agreed with that concept:

I have been asked by questioning friends, whether I thought a sufficient number of men would volunteer for the training or not. Why, if they did not, it is not the America that you and I know. . . . I am sorry for the skeptics who believe that the response would not be tremendous.

### FAILURE TO VOLUNTEER

But the President was wrong. Whether men earning a living could not give up their jobs for two months of training, whether their belief in the need for fighting was confined to letting the other fellow do it, or whether the glamor of war—after two years of carnage in Europe—no longer existed, the million men "springing to arms overnight," as

William Jennings Bryan had put it, simply did not materialize. When the United States entered the war ten months later, volunteering had raised the armed forces only to 378,619 officers and men. Even two weeks after war was declared, when it might be assumed that patriotic fervor would swell the lists, still further encouraged by a term restricted to the duration of the war, only 36,000 more were added to the regular army. The National Guard fared no better. This was a record worse than that of either the Civil War or the Spanish-American War, and far removed from the million men envisaged on paper.

Within its limitations, the United States Army was good enough. German military attaches, observing maneuvers in 1916, declared they had "never seen a finer body of troops or superior discipline." The German General Staff, however, somewhat more realistically, rated the military strength of the United States as between that of Belgium and Portugal.

The awakening to reality was rude and came with the arrival of the Allied missions in Washington in mid-April, 1917. Marshal Joseph Joffre of France, the hero of the Marne, was listened to with special attention. He quickly exposed for the falsehood that it was the sunny propaganda which portrayed German lines breaking and Allied morale high. He did not mince words. France was not on the edge of victory. Her people had been bled to exhaustion; morale was low. Though for discretionary reasons he did not mention that the French army was in revolt, it was clear that France was near defeat. A token force was an immediate imperative. "The first thing is to send a division at once. No matter how small . . . the sooner you get troops fighting alongside the French the better." He hoped for 500,000 men later, to lift Allied morale and bring the war home to Americans.

Thus the first steps in military commitment to the war were taken; an American army would see service in France. Certainly by May 8, after two weeks of discussion with the Allied missions, President Wilson was won over completely to the idea. The President

selected General John Pershing (not without cries of protest from partisans of General Leonard Wood) as commander of the American Expeditionary Force. Pershing arrived in France on June 14 with 2,000 men from the regular army; two weeks later 14,000 Americans were parading down the Champs Elysees. If this was only a token force, escalation—to use a modern term—was not far off. The President was now determined that the United States should play a full military as well as industrial role. So was Pershing. By July 6 he was demanding a million men in France.

But where would a million men come from? In light of the feeble response for volunteers, how would they be raised? Actually the answer had been secretly formulated through long and careful preparation months before the United States entered the war.

As far back as 1903 the government had created a General Staff and, soon afterwards, a War College, to study the problems of warfare and military procedure. The authority of the General Staff was none too certain and its efficiency was questionable. It was headed by aging General Hugh L. Scott and theoretically had 51 officers on its staff. But the War Department was jealous of its powers and its active membership was limited to a mere 11 officers.

Despite this discouraging situation, both the War College, under its president, Brigadier General Joseph E. Kahn, and the General Staff, under General Scott, were busy planning an army. Indeed, Secretary of War Newton Baker had called upon them for such a plan. The essential and startling provision of the General Staff's scheme was its plan that the regular army and the National Guard, as well as the "Third Force" of the National Defense Act of 1916, should be made up of draftees.

On this point the staff was insistent, for it had lost all faith in the practicality of a volunteer force. As early as 1916, General Scott had said:

The volunteer system in this country, in view of the highly organized, trained, and disciplined armies that our possible enemies possess, should

be relegated to the past. There is no reason why one woman's son should go out and defend . . . another woman's son who refuses the tasks of training. . . . The only democratic method is for every man in his youth to become trained in order that he may render efficient service if called upon in war.

In addition, the proposed draft was to be administered solely by the army, since the military mind could conceive no alternative.

On February 15, two months before war was declared and before the Allied missions had presented their dismal news, Baker acquiesced in the draft concept. To a pleased General Staff he announced that no token army was being considered but, rather, a force of a million and a quarter men. The significant part of Baker's statement, however, centered on a single sentence: "We are going to raise our Army by a draft."

Already persuaded that an army was needed, Baker now won the President's support for the idea it should be drafted. The plea that this would be democratic found a receptive hearing. That the process was also efficient added weight to the argument. Here the experience of Great Britain told heavily. For two years no draft had been used there and although sufficient men volunteered, the system had proved to be woefully wasteful of manpower. Essential factory workers and potential officer material had been ruthlessly slaughtered by indiscriminate enlistment until it was evident that the right men had not appeared at the right time for the right purpose.

Wilson was impressed. In a complete reversal of his stand a year before, he declared:

The idea of a selective draft is that those should be chosen . . . who can be most readily spared from the prosecution of the other activities which the country must engage in and to which it must devote a great deal of its best energy and capacity.

He went on to say:

The nation needs all men; but it needs each man not in the field that will most please him but in the endeavor that will best serve the common good.

So convinced was Baker that a large, drafted army was a certainty that when the

Quartermaster General Henry G. Sharpe said in February that millions of forms and blanks would be necessary to administer the draft, Baker told Sharpe to provide them. The move was entirely illegal but Sharpe enlisted the public printer, Cornelius Ford, in a conspiracy of silence; and the forms were prepared. Shortly, the rooms and corridors of the Government Printing Office and, finally, the basement of the City Post Office were overflowing with the printed blanks.

Though most of the details for drafting an army were worked out by February 15, there was one provision which Newton Baker disapproved. This was that it should be administered by the Army. Baker was hopeful that the public, as yet unaware of what was being planned, would accept the draft because the war was popular. But Baker also knew the repugnance of Americans to military coercion and was not unfamiliar with the violent draft riots of the Civil War. He intended to accomplish his aims by a wholly new approach.

To the Judge Advocate, able General Enoch H. Crowder, Baker proposed a civilian administration of the draft. Crowder saw the point and, in turn, relegated the details to his rising young assistant, colorful Hugh Johnson. Johnson, with all of the flair that was to characterize his later administration of the National Recovery Administration, worked out the details. In essence, instead of asking army officers to travel through the country, knocking on doors, and ordering the males in each household to sign up, young men, on a specified day, were to report to their local voting places to register for the draft. Boards of their civilian neighbors would oversee the process. Thus a decentralized, civilian control would remove the curse of compulsory military coercion.

The proper moment to reveal the new concept came on the day after war was declared when the draft was introduced into Congress. Asking for its speedy acceptance, President Wilson declared that "the safety of the nation depended upon the measure." Opposition, however, quickly developed in the House Committee on Military Affairs. Its chairman, Democrat Stanley H. Dent of Ala-

bama, thought a volunteer system should be attempted before a draft was instituted and refused to submit the measure to the House. Ironically, the Republican minority leader, German-born Julius Kahn, steered the draft to success. When Congressman Richard Olney of Massachusetts proposed that "personal obligation to service" would be a happier designation than "draft," Baker courageously rejected the change. "I think we should frankly say what we are doing," he said.

After days of delay the bill was reported out to both houses of Congress, initiating an acrimonious debate. The Speaker of the House, Champ Clark of Missouri, declared that

I protest with all my heart and mind and soul against having the slur of being a conscript placed upon the men of Missouri; in the estimation of Missourians there is precious little difference between a conscript and a convict.

His Missouri colleague in the Senate, James A. Reed, predicted that they would have "the streets of our American cities running red with blood on Registration Day." The denunciations rose in fury. Crowder was told that his name would be the "most odious in America"; the draft was denounced as "another name for slavery"; "it would Prussianize America" and "destroy democracy"; the "man who volunteers is worth a regiment of odds and ends conscripted," for conscripts were "worthless fighting material."

Baker sought to temper the storm. The measure, he declared, was not militaristic:

I feel no alarm on the subject of militarism in America and particularly no fear of any such consequences from the impending measure. . . . Militarism is a philosophy; it is the designation given to a selfish or ambitious political system which uses arms as a means of accomplishing its objects. The mobilization and arming of a democracy in defense of the principles on which it is founded . . . is an entirely different thing.

If the Secretary was playing with words, the President was not far behind him. This bill, Woodrow Wilson declared, "is in no sense a conscription of the unwilling; it is, rather, selection from a nation which has volunteered in mass." He threatened his opponents with

every political pressure he knew so well how to use, and at the same time, in a characteristic stance, he stated "he would not yield an inch of any essential part of the program for raising an army by conscription." As Charles W. Eliot of Harvard wryly remarked, "Like most reformers, Wilson had a fierce and unlovely side."

Anticipating passage of the bill, while the debate raged, on April 23 Baker took another step of dubious legality. The millions of forms printed a month earlier and piled up in Washington obviously could not be mailed out in a day. So to governors, mayors and local county sheriffs he sent out confidential letters asking for their secret cooperation. "The President desires [not directs] that I bring to your attention the following considerations which he is not at present ready to give to the press." They were to receive and make ready the forms for distribution and they were also to appoint the needed local draft boards. It seems amazing that with so many in on the secret the public did not get wind of it. Yet such was the case.

On April 28, three weeks after its first introduction, the draft act passed both houses simultaneously; huge majorities in no way reflected the bitterness of the debate. Only 8 in the Senate and only 24 in the House voted "no." Unfortunately, however, the two houses had passed separate bills. A bitter and protracted struggle then developed in the conferences between the two houses. In the crisis of war, this assumed the aspect of a national scandal.

There was no longer any controversy about accepting the draft; the debate was how it should be applied. Ultimately, there were three points at issue: the age limits of the draftees; the acceptance of volunteers; and, rather amazingly, whether liquor and prostitutes should be available to the soldiers.

The last consideration was disposed of readily. Prohibitionists were riding high in 1917 so both liquor and "houses of ill-fame" were banned. Violators of either clause faced fines up to \$1,000, or a year's imprisonment.

Age limitation created more difficulty. The War Department wanted young men be-

tween the ages of 19 and 25. Dent declared he "would never vote . . . to conscript a boy . . . who did not have the right to vote." The House sought age limits of 21 to 40, the Senate from 21 to 27. To nobody's satisfaction they accepted age limits of 21 to 30.

Whether volunteers should be accepted along with draftees should have been simply resolved. Actually this issue became the most acrimonious of all because politics and personalities became enmeshed in the disagreements. At the moment, all branches of the service—Army, Navy, National Guard, and Marine Corps—were actively recruiting and 14 volunteer officer training camps for second lieutenants had been set up. Nevertheless, neither the President, Baker, the War Department, nor the General Staff wanted anything more to do with enlistments. At this point the powerful name of Theodore Roosevelt inserted itself in the dispute.

Roosevelt did not oppose the draft. He merely wanted to raise volunteers on his own as he had in the Spanish-American War. He had launched his campaign as early as February 3. He wrote effective 18-page letters to Congressmen. Said Representative Gardner:

The people want the Stars and Stripes waving over those trenches. . . . If Roosevelt or any other Pied Piper can whistle 25,000 fanatics after him, for Heaven's sake give him his chance. He may whistle his division into the trenches half-trained, of course, but I will wager that they will make up in nerve what they lack in drill.

Roosevelt appealed to Baker and even to the President, whom he hated. That he was "stout, rheumatic, elderly"—his own description—blind in one eye and 58 years old, gave no pause to him or his admirers. Roosevelt saw a duty and he was an American hero. Both Baker and Wilson dealt gently with him but both stood firm, supported the War Department (which wanted no political generals) and, though the cry of "politics" roared loudly, rejected him. In the final compromise the Act allowed, but did not compel, the President to accept volunteers. Wilson never availed himself of the opportunity.

Stalled for three weeks by wrangling conferences, the bill was finally completed and



was signed by Wilson on May 18, 1917. Even with all the details previously arranged by the planners, it was six weeks after America's entry into the war before Congress found a way to raise an army.

Entitled simply "An Act to Authorize the President to Increase Temporarily the Military Establishment of the United States," the law was more generally referred to as the Selective Service or Selective Draft Act. In all, 14 major sections spelled out the provisions. In addition to those already noted, it was ordered that the regular army should be raised to 287,000 men; that the National Guard should be incorporated into a national army; that volunteering within limitations should be permitted, but that no bounties were to be paid any volunteer; and that an army of one million men was to be raised by draft in two installments.

The Act specified certain exemptions to the draft: officials of federal, state, and most local offices; subjects of Germany and aliens without first citizenship papers; ministers of recognized religions and bona fide theological students; all military and naval personnel; persons engaged in essential industry and agriculture; men with dependents; the physically and morally unfit; and, finally, all members of recognized religious sects whose principles were opposed to war, though these conscientious objectors were not exempted from non-combatant service.

Two weeks before Wilson signed the bill Baker readied the machinery for the draft and briefed Wilson on procedures:

I am anxious to have the registration and selection by draft . . . conducted under such circumstances as to excite a strong patriotic feeling and silence as far as possible the prejudice which remains . . . in the popular mind against a draft by reason of Civil War memories.

Baker even prepared the Proclamation that Wilson was to issue. Crowder had said all would be ready by June 1, but Baker, to be absolutely certain, set the date for June 5.

Published in the newspapers as "A Call to Arms," and embellished with American flags, the Proclamation was short but eloquent. A public holiday was virtually declared as a

day "of thoughtful apprehension" to "accord to it the honor and meaning it deserves." Registration Day was to be "carried into all our hearts as a great day of patriotic devotion and obligation."

Registration Day went off with eclat. No blood ran in the streets. A holiday spirit was evident as men between 21 and 30 lined up to register. Any critical questioning of this "joyous pilgrimage" was smothered in "patriotic exaltation." Yet behind the compilation of the "lists of honor" stood the iron hand of coercion. Four days before, Wilson had ordered that any who failed to report or who fled to Canada faced arrest and a year in prison.

Although thousands rushed to enlist to avoid the draft, 9,586,508 were registered on June 5. Crowder decided that a lottery was the most equitable way to select from these millions the 687,000 wanted for immediate service. On July 20, prominent officials gathered in the Senate Office Building for the drawing shortly before 10:00 A.M. Blindfolded, the Secretary of War reached into a large glass bowl containing 10,319 numbered capsules, the largest number registered at any of the 4,557 local draft boards. He drew number 258. Cameras flashed, and the wires clicked off the news to each of the draft boards that number 258 on every list had been drafted. Three tellers checked and six recorders made an official notation. Then, in succession, others followed Baker. The drawing continued to 2:00 A.M. the next morning, when the last number was drawn.

The draftees were summoned at once for physical examination. Seven days were allowed for claiming exemption. Those who were deferred were placed in four separate

*(Continued on page 367)*

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*This expert points out that "In view of the final results, the Selective Service System was clearly effective in providing in an orderly way the military manpower needed in World War II. When virtually all available men were to be called, the system of complete registration, classification and a lottery to determine the order of calls worked very well."*

## Selective Service in World War II

BY JAMES A. HUSTON

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WHEN WAR BROKE OUT in Europe in September, 1939, the Army of the United States consisted of the regular Army (including Philippine scouts) of approximately 188,000 officers and enlisted men organized into nine understrength and widely dispersed infantry divisions; the National Guard of about 200,000 organized into 18 divisions in a relatively low state of training; organized reserves comprising about 118,000 reserve officers—mostly veterans of World War I or products of the ROTC—and a small contingent of enlisted reserves, with individual assignments to augmentation posts or assigned to "paper" reserve divisions. As the war threatened the United States, the question of how best to build up the military strength of this country to meet the situation became pressing.

The War Department's General Staff had laid plans to begin an ordered mobilization on some specific M-Day, and then to proceed to a force of 1,225,000 officers and men within a period of 240 days. The assumption was that voluntary enlistments and men recalled from the regular Army reserve would provide the increased manpower needed for the first two months of expansion under the plan. It was assumed that Selective Service would then begin to provide the men needed for further expansion.

Mobilization had been the subject of long and careful study in the War Department.

As Chief of Staff in 1933, General Malin Craig had scrapped the older plans, and had begun work on a new program, which became the Protective Mobilization Plan of 1938. Further revision brought the Plan of 1939, which formed the point of departure for Army mobilization as the war emergency approached. Actually, the Protective Mobilization Plan never went into effect as such, for mobilization came gradually without any specific M-Day.

Tentative steps toward the expansion of the regular Army and the National Guard began within a week after the German invasion of Poland. In an executive order of September 8, 1939, President Franklin D. Roosevelt declared a national emergency; at the same time he directed very modest increases in the armed forces. The War Department had made plans for an increase in the regular Army by enough men to bring it up to a strength of 280,000, and an expansion of the National Guard to 435,000. But the President, perhaps overly concerned about popular opposition, directed the addition of only 17,000 men to the regular Army and an increase in the National Guard to a total strength of 235,000. The order also provided for the placing of reserve officers on extended active duty in order to fill vacancies in the regular Army.

Still the War Department continued to make its plans on the assumption of further

expansion. The Nazi blitzkrieg in Western Europe provided the impetus. On May 16, 1940, President Roosevelt asked for an increase in the regular Army to 242,000, and on June 13, as German columns moved into Paris, Congress, without any further request from the President or the War Department, passed a supplemental appropriations act which permitted the recruitment and arming of the regular Army up to its statutory limit of 280,000. Then the War Plans Division of the General Staff began to make plans on the basis of a regular Army of 530,000 men, although the planners acknowledged that it might not be possible to reach such a level by voluntary enlistments alone. Other sections of the General Staff cautioned that Congress would not approve a regular Army of such size, and G-4, the section charged with supply, warned that such a force could not be equipped without diverting to it equipment intended for the National Guard, and that this might in fact wreck the Guard.

Meanwhile, uncertain plans were going forward for expanding and mobilizing the National Guard, and for possible use of a draft to obtain the recruits needed for a rapidly expanding Army. Actually, the Chief of Staff of the Army, General George C. Marshall, opposed the early calling of the National Guard into federal service.

Marshall's opposition to a mobilization of the National Guard before the nation was directly involved in the war grew out of his reluctance to divert men and equipment away from what he considered the more urgent immediate task—the training of an expanded regular Army.

#### **THE SELECTIVE TRAINING AND SERVICE ACT OF 1940**

Curiously, in an age when the legislative process had become generally reversed, that is, where for all practical purposes, the President initiated most significant legislation while the Congress in effect exercised the veto power, the initiative for an unprecedented peacetime draft came not from the President nor from the War Department, but from Congress. Indeed, the initial impetus came from a small group of private citizens

who had organized themselves into the "Executive Committee" of the Military Training Camps Association, an organization of civilian military enthusiasts who had been associated with the Civilian Military Training Camps which had grown out of the Plattsburg idea on the eve of World War I.

Sensitive about the war issue with the approach of his campaign for a third term, President Roosevelt made no move at first in behalf of peacetime selective service.

Later, with his nomination for a third term safely secured, and his choice for a new vice presidential candidate successfully urged upon a reluctant convention, Roosevelt himself finally came out for the draft.

The Republican nominee for the presidency, Wendell L. Willkie, essentially removed Selective Service as a campaign issue when he voiced similar sentiments.

Strong voices of opposition, such as those of Ohio Senator Robert A. Taft and Montana Senator Burton K. Wheeler, both Republicans, were still to be heard in Congress, and advocates of selective service faced a stiff battle. But it was apparent that the measure was gaining support across the country. Indeed, less than two weeks before the final vote on the bill, a nation-wide poll showed 71 per cent of those expressing an opinion to be in favor. And in spite of the vocal opposition of the American Youth Conference, which claimed to speak for the youth of the nation, 65 per cent of males polled between the ages of 16 and 24 indicated their favor of a year of military service.

For a time crippling amendments threatened the bill, but both houses adopted the bill on September 14, and two days later President Roosevelt signed it into law. The Selective Training and Service Act of 1940 was based largely on the Act of 1917. As in the case of the National Guard resolution, draftees were not to be available for service outside the Western Hemisphere except in the territories and possessions of the United States. The act required the registration of all male citizens and certain resident aliens between the ages of 21 and 36; it authorized the President to call such numbers of men as

he might deem necessary for one year of training, so long as the total number of men in service under the act did not exceed 900,000 at any one time; it provided for certain exemptions and deferments to protect the needs of essential defense industries and to avoid individual hardship; it provided that upon completion of a year of training, men would pass into the reserve for ten years (unless they served for two years with the regular Army or active National Guard) where they would be subject to recall. In "fine print," the act carried a provision that Congress, if it determined the national interest to be imperiled, might authorize the President to extend the period of service. With a rare sense of timing, Congress provided that the act would remain in effect until May 15, 1945.

Initial registration for the first "peacetime" draft in American history took place on October 16, 1940, yielding a pool of 16 million registrants. Those certified as available for duty by local draft boards would be called into service as needed on the basis of a national lottery. In an impressive ceremony on October 29, the President made an appropriate speech, and War Secretary Henry L. Stimson, blindfolded, drew the first number.

The first draftees entered the Army in November. By the end of June, 1941, the active Army had a total strength of nearly 1,250,000 men, of whom 629,273 were selectees.

### SERVICE EXTENSION

Men called to military service under the draft when the country was not at war and when, on the contrary, the nation was being told that aid to Britain "short of war" would be sufficient to stop the Nazis, had little stomach for what they considered a lost year. Once finding themselves in the Army, with little clear sense of purpose, and without sufficient equipment for satisfactory training, their main concern was to get through the year as painlessly as possible. But as the summer of 1941 approached, draftees began to feel some nervous apprehension about their release. Within a few months after passage of the act in 1940, *The Chicago Tribune* was predicting

that President Roosevelt would renege, and would not release the men at the end of the prescribed 12 months.

On the other hand, the Secretary of War and the Chief of Staff were concerned that the men *would* be released, and that the Army which they were so painfully building would dissolve even as the menace of war grew greater. After nine months of rapid expansion, the Army was far from an effective war machine.

Again political considerations loomed large, for it was clear that members of Congress were not anxious to invite accusations of a breach of faith. To be sure, the act contained a clause for extending the length of service if Congress found the national interest to be imperiled, but this had been deemphasized in the efforts to get the measure through in the first place.

The German invasion of Western Europe and the fall of France had stimulated the passage of the original act; in the summer of 1941, the invasion of Russia gave impetus to its amendment.

To prepare ammunition for the legislative battle, Marshall and his assistants set to work night and day over a ten-day period to prepare a Biennial Report of the Chief of Staff. At first even this stirred resentment in Congress, but it proved to be very useful in the case for service extension. The War Department proposed further that the limitations against using National Guardsmen and selective servicemen outside the Western Hemisphere should be lifted.

The opposition in Congress persisted. A proposal by Senator Taft to extend the period of service by only four to six months gained such support that Administration leaders gave up their effort to secure extension for the period of the emergency in favor of a period of 18 months. On this basis, the bill for extension of service cleared the Senate on August 7 by a vote of 45 to 30. It is possible that some Congressmen, overestimating the general support for the bill, voted against it for the record while privately hoping for its passing. In any case, the bill passed by the narrow margin of one vote, 203 to

202, on August 12, the day of the conclusion of the Churchill-Roosevelt conference at Argentia, Newfoundland. Across the Atlantic on the Eastern front, German columns were about to reach the Black Sea, and the Russians were evacuating Smolensk.

The narrow escape of the draft extension bill came as a shock both in the United States and in Europe. William L. Langer and S. Everett Gleason later wrote: "But for a single vote the nation might have been left with an Army in dissolution, only a few months before the Pearl Harbor attack. This contingency is still terrible to contemplate, for even though there can be little doubt that if the bill had failed other legislation would have been enacted, the loss of valuable time might have been disastrous."

If the bill had failed, there would have been a significant dislocation in the Army's mobilization, but it would not have been as serious as all that. The loss of manpower would not have been sudden and complete; trainees would have been released gradually, month by month, according to how the men had been inducted, and they would have been replaced by new selectees. Probably the most serious blow would have been the loss of the National Guard, but this too would have been gradual, and all of the guardsmen would have been replaced by continuing monthly quotas of newly-drafted men. It must be remembered that the Selective Training and Service Act itself was not about to expire; it would have continued to operate, without further action, until May, 1945.

Part of the question was whether the real purpose of the original Selective Service Act was *training*, as the act itself was written, or whether it was *war service* which no one was willing to admit. In any event, the real key to rapid mobilization was not manpower, but materiel.

As finally approved, the Service Extension Act of 1941, amending the Selective Training and Service Act of 1940 and stating that Congress found the national interest to be imperiled, authorized the President to extend the service of men drafted under the Act of 1940 as well as National Guardsmen and reserves

for an additional period of up to 17 months. In addition, it gave the Secretary of War authority to release men from active service if they asked for release and if their retention would cause hardship to their dependents. An administrative ruling made all men over the age of 28 eligible to apply for discharge under this clause. The limitation on the number of drafted men who could be in service at any one time was eliminated.

After Pearl Harbor, a further amendment to the Selective Training and Service Act (approved on December 20, 1941) removed all restrictions on overseas service, and put all components of the Army of the United States on an equal footing. This amendment also extended the requirement for registration to all men between the ages of 18 and 65, though only those between the ages of 20 and 45 would be liable for military service. Those inducted could be retained for the duration of the war plus six months.

The War Department still hoped for one further change in the draft law—a reduction of the age for military service to 18. Military leaders insisted that the younger men, aged 18 to 20, made the best soldiers, but the country as a whole resisted sending such young men off to war. Finally, in November, 1942, Congress extended the draft to 18-year-olds.

### SELECTIVE SERVICE IN OPERATION

Initially, President Roosevelt insisted upon a civilian director to administer the Selective Service System, and after some delay he chose Clarence Dykstra, president of the University of Wisconsin. Brigadier General Lewis B. Hershey was appointed assistant director; upon the resignation of Dykstra in mid-1941, Hershey became director, and remained in that position throughout the remainder of the war.

At the outset, the Selective Service System operated as an independent bureau under the President. Its functions were broadly decentralized. The governor of each state had charge of the administration of the draft law within his state, and he nominated a state director of Selective Service who exer-



cised direct responsibility over the series of registration boards, local boards, medical boards, and boards of appeals within the state.

The first step in the Selective Service process was registration. This consisted of filling out a card, giving name, address, age, occupation, and other personal information. Then classification and ordering of the cards fell to the local draft board. On receiving the registration cards from the county clerk, the members of the board shuffled the cards and assigned a number to each. Those were published so that each man knew his number. Corresponding numbers were put in the bowl in Washington for the lottery. When Secretary Stimson drew the first number, 158, the man holding that number in each of the more than 6,500 local board areas was number 1 in his area for call to service—if he were classified as “available.” The national drawing continued until all numbers had been drawn.

Classification was the key to selection. On the basis of a questionnaire, the local board determined the classification of each registrant. He then had the right to appeal his classification to an appeal board. On the other hand, a government appeal agent might appeal a case where he believed a man had been wrongly deferred.

While the Army came in for the greater share of manpower for military mobilization, the Navy and Marine Corps also were expanding rapidly. However, the sea-going services preferred to rely, as they had done traditionally, on volunteer enlistments to swell their ranks. This tended to upset the balance in the distribution of the more able men, for a disproportionate share of volunteers preferred the naval service.

Finally in December, 1942, the President issued an Executive Order suspending all voluntary enlistments except for 17-year-olds (for the Navy and Marine Corps). Shortly afterward, the Army and Navy arrived at an agreement for equitable sharing of men in various kinds of skill coming into service via the draft.

Another area needing coordination in the selection of men for military service was the requirement of civilian industry. This raised

the basic question of the proper ceiling on the number of men brought into the armed forces, and the related question of occupational deferments.

The President took a long first step toward overall manpower allocation in December, 1942, when he set up the War Manpower Commission, with Paul V. McNutt as chairman, and transferred Selective Service to its jurisdiction. McNutt favored a national service law which in effect would have drafted labor for essential war industries. In this he had the support of the military services, but the labor unions and industry opposed the plan, and it never attracted the necessary backing in Congress.

Attempts at general coordination of manpower policies received further set-backs at the hands of Congress. In November, 1924, the Tydings Amendment in effect gave a blanket exemption from the draft to farmers. Another act—introduced by Senator Wheeler—provided that fathers should not be called ahead of non-fathers—a policy which Selective Service had anticipated in its own policies. The same act took Selective Service out of the War Manpower Commission, and restored it to the status of an independent bureau.

Amid controversy about occupational deferments, the services kept asking for younger men, and in time Selective Service shifted to what was essentially an age criteria for service. In January, 1944, local boards were instructed not to grant occupational deferments to men between the ages of 18 to 21 except on special certification. Soon occupational deferment ceased to exist for virtually all men under the age of 26. At the same time, Selective Service, in the absence of a national service act, tried to apply sanctions by holding out the threat of early induction to keep able-bodied men of the higher age groups (but within draft age) in essential industries.

Industry felt a serious pinch when the armed forces began to take as many as 48 per cent of all the semiskilled machine operators. In order to relieve this situation, at various times men were given furloughs of

three to four months in order to return for temporary work in industries for manufacturing cotton duck cloth, heavy tires, munitions and aluminum, and for construction of ordnance facilities.

### MOBILIZATION AND DEPLOYMENT

Allocation of manpower for the Army, the Navy and industry remained a problem throughout the war, though military manpower objectives remained fairly constant.

In arriving at planning figures for military manpower, the logical approach was to set military objectives, analyze enemy capabilities, arrive at a strategic plan for attaining the objectives, and then calculate requirements for forces on the basis of those plans. The chief of the War Plans Division of the General Staff was anxious to follow this procedure.

However, Major Albert C. Wedemeyer, to whom fell the immediate assignment of preparing figures in mid-1941 for what would come to be called the "Victory Program," went about it backwards. He arrived at a manpower figure for the Army, not on the basis of any strategic plans, not after a careful analysis of military requirements, but from figures showing what manpower could be expected to be available for the Army after the requirements of industry, agriculture, and the Navy had been met. Adding a certain safety factor, he came up with a figure of 8,795,658. Further discussions in the General Staff and with the Navy reduced this figure somewhat, but the Army and Navy held to a total figure of 10.8 million for their combined peak strength. This was subject to further discussions among the chairman of the War Manpower Commission, chairman of the War Production Board, and the Joint Chiefs of Staff, with the President to decide if no agreement could be reached. The Army and Navy held to their planning figure in spite of doubts that the remaining labor force would be sufficient to equip and supply armed forces of this size. The President approved the military figures.

In testimony before congressional committees, General Marshall called for an effective

Army strength of 7.7 million which, allowing for men in hospitals, in transit, and so on, would require an overall strength (including the Air Forces) of 8.2 million. Meanwhile, the figure for the Navy (including the Marine Corps) rose from 3 million to 4 million. The actual size of the armed forces at peak strength, in June, 1945, was 12.3 million—8.3 million in the Army and 4 million in the Navy and Marine Corps.

At the end of the war, the Army comprised 89 divisions—66 infantry, 1 cavalry (dismounted), 16 armored, 5 airborne, and 1 mountain—all overseas. (One division, the 2nd cavalry, had been inactivated in North Africa to provide service troops.) On VE day, every American division was in the operational theaters, and all but two had seen action. Sixty divisions were deployed in the European theater, and 19, plus 6 Marine divisions, were in the Pacific.

The equability of Selective Service as far as regional distribution was concerned may be seen in the fact that in all states about 9 per cent of the total population served in the armed forces, and for all states the casualties amounted to about 3 per cent of all those serving.

While the total number serving in the armed forces (including over 200,000 women volunteers in the WAC, WAVES, SPARS, Marines and Nurses corps) at one time reached 12.3 million, a grand total of 16.1 million, allowing for those who became casualties or were released while new replacements joined, served in uniform during the World War II period.

(Continued on page 368)

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*An eminent authority reviews the Supreme Court's decisions with regard to conscription, pointing out that, in 1963, the Supreme Court declared that "The powers of Congress to require military service for the common defense are broad and far-reaching, for while the Constitution protects against invasions of individual rights, it is not a suicide pact."*

# The Supreme Court and Conscription

BY CARL BRENT SWISHER

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THE LANDED ARMED FORCES of the United States derive primarily from a tradition of citizens' armies in the form of the militia of the several states. In 1789, the Constitution gave Congress the independent power to raise and support armies and, of course, to provide and maintain a navy. The resulting standing army, usually small and maintained through voluntary enlistments, was more professionalized than the militia, which could be called into federal service to suppress insurrection and repel invasion. But even with its professionalization, more and more was required of the army as society and the processes of modern warfare became increasingly complex. To insure that the right people in the right numbers served in the armed forces with proper training, conscription was long a background possibility, and in recent decades compulsory selective service has been enforced, with resulting constitutional questions as to the nature and scope of the power exercised and as to the rights of the people whose services were demanded.

## FROM THE REVOLUTION TO THE CIVIL WAR

Although in England the power of conscription had long been recognized and had

been exercised to a limited extent by the impressment of seamen and the drafting of vagrants, England preferred to rely on voluntary service and the zeal derived from willingness to fight for one's country. The American colonies had a like aversion to involuntary service. Some states in their original constitutions did, however, provide for conscription, and some of them exercised the power in filling quotas of troops requested by the Continental Congress.<sup>1</sup> The Articles of Confederation made no provision for a federal standing army or for compelling troops to serve the nation. In the light of the difficulties experienced during the Revolution, the Constitution was phrased to give Congress the power to "raise and support armies" and to "provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions."<sup>2</sup> It did not, however, indicate how the militia might be made available should the states be unwilling to comply, and trouble was incurred during the War of 1812 with states hostile to the war. The Supreme Court did hold that an individual militiaman had no right to substitute his judgment for that of the President as to the conditions under which the militia might be summoned,<sup>3</sup> but it had no occasion to say what might be done if states refused to make their militia available. It was during that war that the subject of federal conscription first received serious attention. Both houses of Congress passed bills to provide for it, in

<sup>1</sup> James G. Randall, *Constitutional Problems Under Lincoln* (Urbana: University of Illinois Press, rev. ed. 1951), pp. 240-241.

<sup>2</sup> Constitution, Article I, Section 8.

<sup>3</sup> *Martin v. Mott*, 12 Wheat. 19 (1827).

the face of constitutional arguments that federal conscription usurped powers rightfully belonging to the states. But the two houses were unable to reconcile the terms of their bills and none was enacted.<sup>4</sup> Manpower needs during the war with Mexico were met without conscription, with the result that the Civil War provided our first national experience with such a measure.

## THE CIVIL WAR

Military manpower during the Civil War represented an amalgam of the already trained regular army, militia sent by the states, volunteers called by the President, and conscripted forces. Divided loyalties, inadequate military training, and state and national politics affecting the military all contributed to a situation wherein Congress enacted its first full-fledged national conscription act in 1863, after experimenting in 1862 with limited conscription linked with the state militia. Even here, giving the right to buy exemptions or hire substitutes, the statute was in part intended to encourage volunteer enlistments. Failure to respond to call was subject to punishment for desertion. Resisting the draft or aiding or encouraging others to do so was subject to punishment of fine or imprisonment.<sup>5</sup>

This measure, modified by later enactments, gave rise to so much criticism and resentment that President Lincoln wrote out—though he did not then publish—a carefully reasoned statement in support of the congress-

sional power to conscript.<sup>6</sup> Many courts were not to be trusted to determine the issue of constitutionality because they too were infected with disloyal sentiments. In a suit for an injunction against federal enrolling officers, the highest state court in Pennsylvania decided by a vote of three to two that the act was unconstitutional. At the time of the decision, however, rotation of election of justices brought about the retirement of the chief justice, one of the majority, and his replacement by a loyal Union man. On application of the United States attorney, the case was reopened and the court, with this one change in personnel, now found the statute constitutional.<sup>7</sup>

Under other circumstances federal attorneys might have tried to speed the case on to the Supreme Court instead of seeking re-determination in Pennsylvania. But membership of that Court still included some of the justices responsible for the notorious Dred Scott decision,<sup>8</sup> and it was feared that the Court might hold the conscription act unconstitutional. There were grounds for such fears at least as far as Chief Justice Roger B. Taney was concerned. Enfeebled and unable much of the time to attend Court, he took occasion to write out without the benefit of argument before the Court opinions on issues the Court might have to face. One of his longhand documents was entitled "Thoughts on the Conscription Law of the U. States." He found the act unconstitutional, as an invasion of the rights of the states in our federal system. By taking the officers and men, it might destroy the state militia which, under the Constitution, the states were entitled to preserve. Since the governors were the only state civil officers exempt, the act might deprive the states of essential personnel, with consequent destruction of the federal system.<sup>9</sup> A majority of the Court might or might not have accepted the reasoning of the Chief Justice. The issue, however, was never brought before it. Action in various state courts left the issue blurred while the war worked its way to a military conclusion. In New York and other places riots took place among resisters, but by means of a combina-

<sup>4</sup> Carl B. Swisher, *American Constitutional Development* (Boston: Houghton Mifflin, 2d. ed.; 1954), p. 142. For treatment of conscription during other war periods see the index references in this volume.

<sup>5</sup> 12 Stat. 731. For discussion see Randall, *op. cit.*, pp. 244-274.

<sup>6</sup> John G. Nicolay and John Hay, *Abraham Lincoln, A History* (10 vols., 1909), vol. 7, pp. 51-52.

<sup>7</sup> *Kneedler v. Lane*, 45 Pa. 238 (1863). See J. L. Bernstein, "Conscription and the Constitution: The Amazing Case of *Kneedler v. Lane*," *American Bar Association Journal*, vol. 53 (Aug., 1967), pp. 708-712. For a reply see "A Judicial Revisitation Finds *Kneedler v. Lane* Not so 'Amazing,'" *American Bar Association Journal*, vol. 53 (Dec., 1967), pp. 1132-1135.

<sup>8</sup> *Dred Scott v. Sandford*, 19 How. 393 (1857).

<sup>9</sup> Carl B. Swisher, *Roger B. Taney* (Hamden: Shoe String Press, 1935, 1961), pp. 570-571.

tion of volunteer enlistments sufficient manpower was raised for the purpose at hand.

## WORLD WAR I

More than half a century passed before conscription again became necessary. Adhering to its volunteer tradition, Great Britain entered World War I in 1914 and lost in a few weeks much of the cream of a generation's leadership for all walks of life. Then, belatedly, it resorted to conscription and the planned allocation of manpower. The United States learned from the British mistake. Before the United States entered the war in 1917, the War Department had prepared a plan for the systematic selection and training of men with little disruption of necessary enterprise and with proper planning for military leadership. In his request for a declaration of war, President Woodrow Wilson advocated enactment of a conscription act. After prolonged debate Congress adopted such a measure in 1917. Men of draft age were registered with a minimum of disturbance and on the whole the machinery worked well, though in enforcement the government went to the limits of political expediency. When in 1918 it appeared that in some areas there were large numbers of delinquents among those registered, the Department of Justice instituted a series of so-called "slacker" raids. Surrounding given areas it took into custody all men seemingly of draft age and held them until their status could be determined. Public protest at this dragnet process brought intervention from the President, but the war came to an end without resolution of some of the difficult problems of procedure.<sup>10</sup>

The constitutionality of the war was quickly challenged and quickly upheld in a number of lower federal courts. While cases were on their way to the Supreme Court, Charles Evans Hughes, who in 1916 had resigned as

an associate justice to become the Republican candidate for President, lent his prestige to conscription and other war measures by delivering a persuasive address before the American Bar Association delineating the constitutional issues. The power to wage war, he maintained, was "the power to wage war successfully."<sup>11</sup> Reaching back to an opinion of Chief Justice Taney after the Mexican War he quoted him to the effect that the President as commander-in-chief might employ the military forces in the manner he deemed most effective to harass and subdue the enemy, including the invasion of a hostile country.<sup>12</sup>

During World War I, by contrast with the Civil War, the government had no reason to fear a Supreme Court out of sympathy with its aims. A number of cases were argued together in December, 1917, and decided in early January, 1918. Speaking through Chief Justice Edward D. White the Court unanimously upheld the conscription act in a decision given the label of *Selective Draft Law Cases*,<sup>13</sup> which became and still remains the basic statement of the Court on the power of the federal government to conscript military manpower. The measure was held to be a legitimate exercise of the power of Congress to declare war and raise and support armies and to make all laws necessary and proper for the exercise of that power. The Court rejected contentions that the measure demanded involuntary servitude in violation of the Thirteenth Amendment and that, in granting exemptions to categories of religious leaders and to members of certain religious sects opposed to war, it constituted an establishment of religion or denied free exercise of religion in violation of the First Amendment.

Other cases were decided in similar fashion, one of them making the further point that conscripted personnel could be required to fight on foreign soil, even though the state militia, without change in status, could be used only to suppress insurrections and repel invasions. The power to raise armies by conscription derived from a source other than the militia power.<sup>14</sup>

<sup>10</sup> For the author's summary treatment of conscription and related problems during World War I see his *American Constitutional Development*.

<sup>11</sup> *Report of the American Bar Association* (vol. 42, 1917), p. 238.

<sup>12</sup> *Fleming v. Page*, 9 How. 603, 615 (1850).

<sup>13</sup> 245 U.S. 366 (1918).

<sup>14</sup> *Cox v. Wood*, 247 U.S. 3 (1918).



Minority opposition to the war brought to the surface critical constitutional issues of freedom of speech and of the press. In a landmark case, one Charles T. Schenck vigorously opposed obedience to the conscription act. His appeal from a resulting conviction for violation of the espionage act provided occasion for Justice Oliver Wendell Holmes to articulate for the Supreme Court his famous clear and present danger doctrine. "The question in every case," said Justice Holmes, "is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree."<sup>15</sup> In this instance the proximity and degree were held to be such as to justify the conviction.

In a position similar to Schenck's was Eugene V. Debs, head of the Socialist party in the United States. Debs' offense was in the delivery of a speech the main theme of which was socialism and the prospect of its ultimate success; he equated the struggle for socialism with resistance to the present war as waged among militaristic and capitalistic nations. He endorsed an anti-war proclamation which recommended continuous, active, and public opposition to the war, through demonstrations, mass petitions, and all other available means. The instruction to the jury, as summarized by Justice Holmes in a unanimous opinion for the Supreme Court, had been that "they could not find the defendant guilty for advocacy of any of his opinions unless the words used had as their natural tendency and reasonably probable effect to obstruct the recruiting service, etc., and unless the defendant had the specific intent to do so in mind."<sup>16</sup>

<sup>15</sup> Schenck v. United States, 249 U.S. 47 (1919).

<sup>16</sup> Debs v. United States, 249 U.S. 211, 216 (1919).

<sup>17</sup> See Francis Hoague, et al., "Wartime Conscription and the Control of Labor," *Harvard Law Review*, vol. 54 (Nov., 1940), pp. 50-104.

<sup>18</sup> See for example *United States v. Herling*, 120 F. 2d 236 (1941); *Stone v. Christensen*, 36 F. Supp. 739 (1940); *United States v. Rappeport*, 36 F. Supp. 915 (1941); *United States v. Lambert*, 123 F. 2d 395 (1941).

Debs was convicted and his conviction was upheld by the Supreme Court. While as to World War I the Supreme Court did not concur in the suppression of unpopular speech and publication in all instances, it did hold that speech and press were subject to the restrictions of the war power of the federal government.

Still unanswered at the end of the war was the question as to what might be done to insure an adequate labor supply to produce war equipment. There was some discussion of drafting workers for essential industries but the country was not yet ready to draft men to work for employers said to be fattening on war profits.<sup>17</sup> The War Department attempted to alleviate the problem by what was called a "work-or-fight" order, under which deferred classes lost their deferment or exemption privileges unless they engaged in what the government considered useful employment. The question would be raised again during World War II.

## WORLD WAR II

When World War II broke out in Europe in 1939, the United States became the "arsenal of democracy" for its future allies and it became apparent that direct military action was but a matter of time. In September, 1940, more than a year before the attack on Pearl Harbor and the beginning of war against the United States by the Axis powers, Congress enacted a comprehensive Selective Training and Service Act providing for the enrollment of all potential military manpower. The act classified men in terms of their capacity for military service and their involvement in occupations related to the war. It granted exemptions to professional religious leaders and defined conscientious objectors who might be exempted from military service but required to do other work of national importance.

Lower federal courts, familiar with *Selective Draft Law Cases* and with the wartime atmosphere prevailing in a regime of only nominal peace, rejected challenges to the constitutionality of peacetime conscription.<sup>18</sup> The Supreme Court did not deal with the

subject until nearly two years after Pearl Harbor, when it treated it only incidentally in connection with a challenge to an order of a draft board. Said Justice Hugo L. Black for the Court:

When the Selective Service and Training Act was passed in September, 1940, most of the world was at war. The preamble of the act declared it "imperative to increase and train the personnel of the armed forces of the United States." The danger of attack by our present enemies, if not imminent, was real, as subsequent events have grimly demonstrated. The Congress was faced with the urgent necessity of integrating all the nation's people and forces for national defense. That dire consequences might flow from apathy and delay was well understood. Accordingly the Act was passed to mobilize national manpower with the speed which that necessity and understanding required.<sup>19</sup>

In the light of this experience it was now clear that the government could constitutionally conscript men for military service whether or not a particular military conflict was in prospect. More difficult was the question of mobilizing industrial manpower. If industry was to fatten on exorbitant profits as during World War I,<sup>20</sup> it would not be feasible to conscript labor to work for profiteers at fixed wages, without the right to bargain collectively and to strike to enforce demands. On the other hand, for war purposes it was essential that manpower be allocated in an orderly fashion to industry as well as to the military, and that labor disturbances be kept at a minimum. If raw materials were to be allocated where needed and if costs were to be kept within reason it was necessary that allocations and prices and wages be placed under a measure of control.

The government therefore resorted to a number of expedients including quota systems, schemes of priorities, price controls, and

incentive rewards for efficient production. A major difficulty was that of speedily entering into production contracts for war materials, the costs of which could be only loosely estimated. By a series of measures collectively known as the War Contracts Renegotiation Act, Congress authorized the letting of contracts as such levels as might seem expedient at the time, with the reserved right to renegotiate at later dates contracts which had yielded exorbitant profits. In passing on the constitutionality of the act after the war was over, when certain firms were resisting the surrender of excess profits, the Supreme Court noted that one of the alternatives before Congress had been resort to the totalitarian model, with conscription of both property and workmen.

Faced with this ironical alternative of converting the nation in effect into a totalitarian state in order to preserve itself from totalitarian domination, that alternative was steadfastly rejected.

Instead, Congress had resorted to renegotiation of contracts as preserving "the maximum of individual freedom consistent with a general mobilization of effort."<sup>21</sup>

In spite of such merits as these devices possessed, in 1944 President Franklin D. Roosevelt had tried without avail to persuade Congress to provide more drastic controls. He stressed the fact that Congress had the power to draft capital and property of all kinds for war purposes on a basis of just compensation. For three years he had been reluctant to ask for a national service act, but he was now convinced of its necessity. National service, he contended, was the most democratic way to wage a war. Like selective service for the armed forces, it rested on the obligation of each citizen to serve his nation to the utmost where he was best qualified.<sup>22</sup>

Already resentful of the "work-or-fight" order of Chairman Paul V. McNutt of the War Manpower Commission, who attempted to use selective service classifications to coerce the maximum number of workers into war industries, organized labor fought the proposal for a national service act as the kind of involuntary service forbidden by the Thirteenth Amendment.<sup>23</sup> The proposed measure

<sup>19</sup> *Falbo v. United States*, 320 U.S. 549, 551-552 (1944).

<sup>20</sup> For Supreme Court discussion of profiteering see *United States v. Bethlehem Steel Corp.*, 315 U.S. 289 (1942).

<sup>21</sup> *Lichter v. United States*, 334 U.S. 742, 766 (1948).

<sup>22</sup> 90 *Congressional Record* 56 (Jan. 11, 1944).

<sup>23</sup> Edward S. Corwin, *Total War and the Constitution* (New York: A. A. Knopf, 1947), pp. 90-91.

was not enacted, and the feasibility and constitutionality of a national service act remain for determination at some future time.

### CONTINUING MOBILIZATION OF ARMED FORCES

Although the end of World War II brought rapid demobilization of millions of members of the armed forces and in some quarters the illusion that conscription was now a thing of the past, the burgeoning "cold war" with the Soviet Union and the war in Korea—technically a United Nations police action but very real to the American people as a war—brought quick disillusionment. In 1948, Congress enacted the Selective Service Act of that year, which was followed by the Universal Military Training Act of 1951, with amendments in succeeding years including the Military Service Act of 1967. With changes here and there, the measures continued conscription of military manpower for training purposes and possible war, much as had been provided by the 1940 statute. Said Chief Justice Fred M. Vinson for the Supreme Court in 1953:

The Selective Service Act is a comprehensive statute designed to provide an orderly, efficient and fair procedure to marshal the available manpower of the country, to impose a common obligation of military service on all physically fit young men. It is a valid exercise of the war power. It is calculated to function—it functions today—in times of peril.<sup>24</sup>

So it is that since World War I the power of military conscription in time of war has been clearly recognized, and since World War II the power of conscription has been similarly recognized, whether or not a particular war is on the horizon. Presumably Congress, and not the courts, is the judge of the need and therefore indirectly of the constitutionality of the exercise of the power. Recent questions for the Supreme Court have involved interpretation of statutes as to the rights of conscientious objectors and determination of whether citizenship might be an-

nulled for failure to submit to conscription. On the horizon are questions about the power of the government to send conscripted men to fight in Vietnam in the light of the fact that no war has been overtly declared. Still further in the background, in the light of inaction by Congress, is the question of the power of universal mobilization of all persons, women as well as men, for civilian as well as military services.

### CONSCIENTIOUS OBJECTORS

As for conscientious objectors, some right of exemption from military combat has been recognized since Congress, during the Civil War, amended its basic conscription statute in response to widespread protest. The right has been so generally recognized, indeed, even though not clearly defined as to boundaries, that the illusion sometimes develops that it derives from the Constitution rather than from the discretion of Congress. In 1930, the Supreme Court attempted to dispel the illusion by the following statement:

The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied; but because, and only because, it has accorded with the policy of Congress thus to relieve him.<sup>25</sup>

The Court's position as here stated is still firmly held. When, for example, the Court has to determine who is a minister of religion and hence exempt from military service and substitutes therefor, and when it has to determine who is a bona fide conscientious objector who is exempt from military service but may be conscripted to perform non-combatant or civilian services, it is involved largely in statutory interpretation and not interpretation of the Constitution.

The Court skirted a constitutional question in 1965, it is true, in *United States v. Seeger*,<sup>26</sup> when interpreting a conscientious objector provision which defined religious training and belief as "an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation." Exemption did not extend to non-religious conscientious objectors such as persons objecting on the ground of "essen-

<sup>24</sup> *United States v. Nugent*, 346 U.S. 1, 9 (1953).

<sup>25</sup> *United States v. Macintosh*, 283 U.S. 605, 623 (1931).

<sup>26</sup> *United States v. Seeger*, 380 U.S. 163 (1965).

tially political, sociological, or philosophical views or a merely personal moral code." The Court had to determine whether the term "Supreme Being" was limited to an approximation of the anthropomorphic "God" of many religions or whether it extended to something beyond a personalized "God," to a cosmic awareness of a being or entity or oneness lying beyond or above the concept of the self. The Court held that the statute had the broader meaning. Justice William O. Douglas noted in a concurring opinion that a contrary decision might bring the statute into conflict with the "free exercise clause" of the First Amendment, denying equal protection to some kinds of believers over others.

The Director of Selective Service protested to Congress the broad interpretation of the statute, predicting that it would result in what he regarded as unjustified appeals for exemption from military service.<sup>27</sup> In preparing the Military Selective Service Act of 1967, Congress redrafted the conscientious objector section to exclude reference to "Supreme Being" as an aspect of definition of religious training and belief, continued to exclude as a basis for exemption "political, sociological, or philosophical views, or a merely personal moral code," and further provided that persons exempted might be required to serve at civilian work for terms equivalent to the time to be served by others conscripted into the military. It remains to be seen whether the constitutional issue involved in the *Seeger* case can be revived in some form out of the changed language of the statute.

## DRAFT DODGERS

While individuals may be, and often are, severely punished for violation of induction orders, there are punishments that may not be imposed and methods that may not be used. In 1963, the Court had to decide whether after a man had been convicted and punished

for departing from and remaining outside the country to avoid the draft he might, in a subsequent administrative proceeding pursuant to the same statute, be deprived of his American citizenship and deported. The Court held that this added penalty—with respect to a naturalized American who had returned to Mexico for the period of the war and then come back to the United States—could not be so applied. The Court nevertheless stressed the fact that there were imperative obligations of citizenship which Congress might constitutionally exact.

One of the most important of these is to serve the country in time of war and national emergency. The powers of Congress to require military service for the common defense are broad and far-reaching, for while the Constitution protects against invasions of individual rights, it is not a suicide pact.<sup>28</sup>

## WAR PROTESTERS

Some men have seen fit to challenge not conscription generally but conscription to fight in the war in Vietnam. One David Henry Mitchell challenged his conviction for refusing to report for induction on the ground that the war in Vietnam was a "war of aggression" and a "crime against peace" and as such was outlawed by various treaties to which the United States was a signatory, particularly the Treaty of London of August 8, 1945, pursuant to which the Nuremberg trials of Nazi defendants were held. A circuit court of appeals held that whatever the status of the conflict, Congress had the power to raise and support armies and therefore to induct Mitchell.<sup>29</sup> On March 20,

(Continued on page 365)

<sup>27</sup> U.S. Code Congressional and Administrative News, 90th Cong., 1st sess. 1490 (1967).

<sup>28</sup> United States v. Mendoza-Martinez, 372 U.S. 144, 159–160 (1963).

<sup>29</sup> Mitchell v. United States, 369 F. 2d 323 (1966).

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Carl Brent Swisher, former president of the American Political Science Association, has lectured at many colleges and universities in the United States and abroad. His books on the Supreme Court include *Roger B. Taney* (Hamden: Shoe String Press, 1930, 1962), *American Constitutional Development* (Boston: Houghton-Mifflin, 1943, 1954), and *The Supreme Court in Modern Role* (New York: New York University Press, 1958, 1965).

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## BOOK REVIEWS

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### ON DEFENSE AND THE DRAFT

**THE DRAFT.** Edited by Sol Tax. (Chicago: University of Chicago Press, 1967. 487 pages, appendix and index, \$12.95.)

Subtitled "a handbook of facts and alternatives," this volume is a compilation of contributed papers and transcripts of discussion sessions held at the University of Chicago in 1967.

Here, in detailed presentation, every type of service program is treated in extensive argument from widely varying points of view. General Lewis B. Hershey argues for a continuation of present Selective Service laws; national service programs are proposed by Morris Janowitz, Terrence Cullinan, Margaret Mead and Donald Eberly; volunteer armies are urged by Walter Oi, Milton Friedman and Richard Flacks.

In addition to the 25 papers presenting specific proposals, there are records of the 7 discussion sessions in which questions and answers extended the value of the papers.

Many of the writers and commentators have written articles for the July and August, 1968, issues of *Current History*.

O.E.S.

**WHY THE DRAFT? THE CASE FOR A VOLUNTEER ARMY.** Edited by James C. Miller III. (Baltimore: Penguin, 1968. 188 pages, bibliography and index, \$1.25.)

**HOW TO END THE DRAFT: THE CASE FOR AN ALL-VOLUNTEER ARMY.** By Frank J. Horton, Richard S. Schweiker, Robert T. Stafford, Garner E. Shriver and Charles W. Whalen, Jr. (Washington, D.C.: The National Press, Inc., 1967. 123 pages, and appendix, \$2.95.)

**IN PURSUIT OF EQUITY: WHO SERVES WHEN NOT ALL SERVE?** Report of the National Advisory Commission on Selective Service. (Washington, D.C.: U.S. Government Printing Office, 1967. 65 pages, \$1.50.)

*Why The Draft?* is a study of the role of a volunteer army. Seven young economists examine the draft and its alternatives—national service, lottery selection, the volunteer army—in the light of equity, tradition and feasibility. They conclude that improved living conditions and pay would enable a volunteer army to serve the country with optimum efficiency.

*How to End the Draft* was written by 5 young members of the United States House of Representatives, and bears the endorsement of 17 more. The book reaches most of the same conclusions as the one above. A number of clear and useful charts and tables are appended.

*In Pursuit of Equity* is the official report of the Marshall Commission. It suggests a number of reforms in the present Selective Service administration, and recommends selection of draftees by lottery or random selection.

O.E.S.

**THE WEAPONS CULTURE.** By Ralph E. Lapp. (New York: W. W. Norton, 1968. 181 pages, appendix and index, \$4.95.)

Writing from long experience in military defense work harking back to the Manhattan Project in 1943, Dr. Lapp examines the intellectual energy and American national treasure devoted to purely destructive ends. Citing President Dwight D. Eisenhower's warning, in January, 1961, that the military-industrial complex might assume unwarranted influence, Dr. Lapp traces the increasing sums devoted to military research and to weapons development. A number of useful appendices list amounts paid to prime contractors, geographic distribution of contract awards, research contracts, and other pertinent data.

Dr. Lapp's long experience with nuclear research for military purposes gives added weight to the warning he voices in this book.

O.E.S.



# Selective Draft Law Cases: A Supreme Court Decision

*In 1918, Mr. Chief Justice Edward White delivered the landmark decision of the Court (245 U.S. 375) on conscription in cases challenging the 1917 act authorizing the President to raise an army by conscription and by incorporating the National Guard and Reserves into the regular forces. The text of the decision—minus citations—follows in full:*

We are here concerned with some of the provisions of the Act of May 18, 1917, entitled, "An Act to authorize the President to increase temporarily the Military Establishment of the United States." The law, as its opening sentence declares, was intended to supply temporarily the increased military force which was required by the existing emergency, the war then and now flagrant. The clauses we must pass upon and those which will throw light on their significance are briefly summarized:

The act proposed to raise a national army, first, by increasing the regular force to its maximum strength and there maintaining it; second, by incorporating into such army the members of the National Guard and National Guard Reserve already in the service of the United States (Act of Congress of June 3, 1916), and maintaining their organizations to their full strength; third, by giving the President power in his discretion to organize by volunteer enlistment four divisions of infantry; fourth, by subjecting all male citizens between the ages of twenty-one and thirty to duty in the national army for the period of the existing emergency after the proclamation of the President announcing the necessity for their service; and fifth, by providing for selecting from the body so called, on the further proclamation of the President, 500,000 enlisted men, and a second body of the same number should the President in his discretion deem it necessary. To carry out its purposes the act made it the duty of those liable to the call to present themselves for registration on the proclamation of the President so as to subject themselves to the terms of the act and provided full federal means for carrying out the selective draft. It gave the President in his discretion power to create local boards to consider claims for exemption for physical disability or otherwise made by those called. The act exempted

from subjection to the draft designated United States and state officials as well as those already in the military or naval service of the United States, regular or duly ordained ministers of religion and theological students under the conditions provided for, and, while relieving from military service in the strict sense the members of religious sects as enumerated whose tenets excluded the moral right to engage in war, nevertheless subjected such persons to the performance of service of a non-combatant character to be defined by the President.

The proclamation of the President calling the persons designated within the ages described in the statute was made, and the plaintiffs in error, who were in the class and under the statute were obliged to present themselves for registration and subject themselves to the law, failed to do so and were prosecuted under the statute for the penalties for which it provided. They all defended by denying that there had been conferred by the Constitution upon Congress the power to compel military service by a selective draft, and asserted that even if such power had been given by the Constitution to Congress, the terms of the particular act for various reasons caused it to be beyond the power and repugnant to the Constitution. The cases are here for review because of the constitutional questions thus raised, convictions having resulted from instructions of the courts that the legal defenses were without merit and that the statute was constitutional.

The possession of authority to enact the statute must be found in the clauses of the Constitution giving Congress power "to declare war; . . . to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years; . . . to make rules for the government and regulation of the land and naval forces." Article I, § 8. And of course the powers conferred by these

provisions like all other powers given carry with them as provided by the Constitution the authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Article I, § 8.

As the mind cannot conceive an army without the men to compose it, on the face of the Constitution the objection that it does not give power to provide for such men would seem to be too frivolous for further notice. It is said, however, that since under the Constitution as originally framed state citizenship was primary and United States citizenship but derivative and dependent thereon, therefore the power conferred upon Congress to raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that citizenship to lose its dependent character and dominate state citizenship. But the proposition simply denies to Congress the power to raise armies which the Constitution gives. That power by the very terms of the Constitution, being delegated, is supreme. Article VI. In truth the contention simply assails the wisdom of the framers of the Constitution in conferring authority on Congress and in not retaining it as it was under the Confederation in the several States. Further it is said, the right to provide is not denied by calling for volunteer enlistments, but it does not and cannot include the power to exact enforced military duty by the citizen. This however but challenges the existence of all power, for a governmental power which has no sanction to it and which therefore can only be exercised provided the citizen consents to its exertion is in no substantial sense a power. It is argued, however, that although this is abstractly true, it is not concretely so because as compelled military service is repugnant to a free government and in conflict with all the great guarantees of the Constitution as to individual liberty, it must be assumed that the authority to raise armies was intended to be limited to the right to call an army into existence counting alone upon the willingness of the citizen to do his duty in time of public need, that is, in time of war. But the premise of this proposition is so devoid of foundation that it leaves not even a shadow of ground upon which to base the conclusion. Let us see if this is not at once demonstrable. It may not be doubted that the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it. To do more than state the proposition is absolutely unnecessary in view of the practical illustration afforded by the almost universal legislation to that effect now in force. In England it is certain that before the Norman Conquest the duty of the great militant body of the citizens was recognized and enforceable. It is unnecessary to follow the long controversy

between Crown and Parliament as to the branch of the government in which the power resided, since there never was any doubt that it somewhere resided. So also it is wholly unnecessary to explore the situation for the purpose of fixing the sources whence in England it came to be understood that the citizen or the force organized from the militia as such could not without their consent be compelled to render service in a foreign country, since there is no room to contend that such principle ever rested upon any challenge of the right of Parliament to impose compulsory duty upon the citizen to perform military duty wherever the public exigency exacted, whether at home or abroad. This is exemplified by the present English Service Act.

In the Colonies before the separation from England there cannot be the slightest doubt that the right to enforce military service was unquestioned and that practical effect was given to the power in many cases. Indeed the brief of the Government contains a list of Colonial acts manifesting the power and its enforcement in more than two hundred cases. And this exact situation existed also after the separation. Under the Articles of Confederation it is true Congress had no such power, as its authority was absolutely limited to making calls upon the States for the military forces needed to create and maintain the army, each State being bound for its quota as called. But it is indisputable that the States in response to the calls made upon them met the situation when they deemed it necessary by directing enforced military service on the part of the citizens. In fact the duty of the citizen to render military service and the power to compel him against his consent to do so was expressly sanctioned by the constitutions of at least nine of the States, an illustration being afforded by the following provision of the Pennsylvania constitution of 1776. "That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service when necessary, or an equivalent thereto." While it is true that the States were sometimes slow in exerting the power in order to fill their quotas—a condition shown by resolutions of Congress calling upon them to comply by exerting their compulsory power to draft and by earnest requests by Washington to Congress that a demand be made upon the States to resort to drafts to fill their quotas—that fact serves to demonstrate instead of to challenge the existence of the authority. A default in exercising a duty may not be resorted to as a reason for denying its existence.

When the Constitution came to be formed it may not be disputed that one of the recognized necessities for its adoption was the want of power

in Congress to raise an army and the dependence upon the States for their quotas. In supplying the power it was manifestly intended to give it all and leave none to the States, since besides the delegation to Congress of authority to raise armies the Constitution prohibited the States, without the consent of Congress, from keeping troops in time of peace or engaging in war. Article I, § 10.

To argue that as the state authority over the militia prior to the Constitution embraced every citizen, the right of Congress to raise an army should not be considered as granting authority to compel the citizen's service in the army, is but to express in a different form the denial of the right to call any citizen to the army. Nor is this met by saying that it does not exclude the right of Congress to organize an army by voluntary enlistments, that is, by the consent of the citizens, for if the proposition be true, the right of the citizen to give consent would be controlled by the same prohibition which would deprive Congress of the right to compel unless it can be said that although Congress had not the right to call because of state authority, the citizen had a right to obey the call and set aside state authority if he pleased to do so. And a like conclusion demonstrates the want of foundation for the contention that, although it be within the power to call the citizen into the army without his consent, the army into which he enters after the call is to be limited in some respects to services for which the militia it is assumed may only be used, since this admits the appropriateness of the call to military service in the army and the power to make it and yet destroys the purpose for which the call is authorized—the raising of armies to be under the control of the United States.

The fallacy of the argument results from confounding the constitutional provisions concerning the militia with that conferring upon Congress the power to raise armies. It treats them as one while they are different. This is the militia clause:

The Congress shall have power . . . To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. Article I, § 8.

The line which separates it from the army power is not only inherently plainly marked by the text of the two clauses, but will stand out in bolder relief by considering the condition before the Constitution was adopted and the remedy which it provided for the military situation with which it dealt. The right on the one hand of Congress under the Con-

federation to call on the States for forces and the duty on the other of the States to furnish when called, embraced the complete power of government over the subject. When the two were combined and were delegated to Congress all governmental power on that subject was conferred, a result manifested not only by the grant made but by the limitation expressly put upon the States on the subject. The army sphere therefore embraces such complete authority. But the duty of exerting the power thus conferred in all its plenitude was not made at once obligatory but was wisely left to depend upon the discretion of Congress as to the arising of the exigencies which would call it in part or in whole into play. There was left therefore under the sway of the States undelegated the control of the militia to the extent that such control was not taken away by the exercise by Congress of its power to raise armies. This did not diminish the military power or curb the full potentiality of the right to exert it but left an area of authority requiring to be provided for (the militia area) unless and until by the exertion of the military power of Congress that area had been circumscribed or totally disappeared. This, therefore, is what was dealt with by the militia provision. It diminished the occasion for the exertion by Congress of its military power beyond the strict necessities for its exercise by giving the power to Congress to direct the organization and training of the militia (evidently to prepare such militia in the event of the exercise of the army power) although leaving the carrying out of such command to the States. It further conduced to the same result by delegating to Congress the right to call on occasions which were specified for the militia force, thus again obviating the necessity for exercising the army power to the extent of being ready for every conceivable contingency. This purpose is made manifest by the provision preserving the organization of the militia so far as formed when called for such special purposes although subjecting the militia when so called to the paramount authority of the United States. But because under the express regulations the power was given to call for specified purposes without exerting the army power, it cannot follow that the latter power when exerted was not complete to the extent of its exertion and dominant. Because the power of Congress to raise armies was not required to be exerted to its full limit but only as in the discretion of Congress it was deemed the public interest required, furnishes no ground for supposing that the complete power was lost by its partial exertion. Because, moreover, the power granted to Congress to raise armies in its potentiality was susceptible of narrowing the area over which the militia clause operated, affords no ground for confounding the two areas which were distinct and separate to the end of

confusing both the powers and thus weakening or destroying both.

And upon this understanding of the two powers the legislative and executive authority has been exerted from the beginning. From the act of the first session of Congress carrying over the army of the Government under the Confederation to the United States under the Constitution down to 1812 the authority to raise armies was regularly exerted as a distinct and substantive power, the force being raised and recruited by enlistment. Except for one act formulating a plan by which the entire body of citizens (the militia) subject to military duty was to be organized in every State which was never carried into effect, Congress confined itself to providing for the organization of a specified number distributed among the States according to their quota to be trained as directed by Congress and to be called by the President as need might require. When the War of 1812 came the result of these two forces composed the army to be relied upon by Congress to carry on the war. Either because it proved to be weak in numbers or because of insubordination developed among the forces called and manifested by their refusal to cross the border, the Government determined that the exercise of the power to organize an army by compulsory draft was necessary and Mr. Monroe, the Secretary of War, (Mr. Madison being President) in a letter to Congress recommended several plans of legislation on that subject. It suffices to say that by each of them it was proposed that the United States deal directly with the body of citizens subject to military duty and call a designated number out of the population between the ages of 18 and 45 for service in the army. The power which it was recommended be exerted was clearly an un-mixed federal power dealing with the subject from the sphere of the authority given to Congress to raise armies and not from the sphere of the right to deal with the militia as such, whether organized or unorganized. A bill was introduced giving effect to the plan. Opposition developed, but we need not stop to consider it because it substantially rested upon the incompatibility of compulsory military service with free government, a subject which from what we have said has been disposed of. Peace came before the bill was enacted.

Down to the Mexican War the legislation exactly portrayed the same condition of mind which we have previously stated. In that war, however, no draft was suggested, because the army created by the United States immediately resulting from the exercise by Congress of its power to raise armies, that organized under its direction from the militia and the volunteer commands which were furnished, proved adequate to carry the war to a successful conclusion.

So the course of legislation from that date to

1861 affords no ground for any other than the same conception of legislative power which we have already stated. In that year when the mutterings of the dread conflict which was to come began to be heard and the Proclamation of the President calling a force into existence was issued it was addressed to the body organized out of the militia and trained by the States in accordance with the previous acts of Congress. That force being inadequate to meet the situation, an act was passed authorizing the acceptance of 500,000 volunteers by the President to be by him organized into a national army. This was soon followed by another act increasing the force of the militia to be organized by the States for the purpose of being drawn upon when trained under the direction of Congress, the two acts when considered together presenting in the clearest possible form the distinction between the power of Congress to raise armies and its authority under the militia clause. But it soon became manifest that more men were required. As a result the Act of March 3, 1863, was adopted entitled "An Act for enrolling and calling out the National Forces and for other purposes." By that act which was clearly intended to directly exert upon all the citizens of the United States the national power which it had been proposed to exert in 1814 on the recommendation of the then Secretary of War, Mr. Monroe, every male citizen of the United States between the ages of twenty and forty-five was made subject by the direct action of Congress to be called by compulsory draft to service in a national army at such time and in such numbers as the President in his discretion might find necessary. In that act, as in the one of 1814, and in this one, the means by which the act was to be enforced were directly federal and the force to be raised as a result of the draft was therefore typically national as distinct from the call into active service of the militia as such. And under the power thus exerted four separate calls for draft were made by the President and enforced, that of July, 1863, of February and March, 1864, of July and December, 1864, producing a force of about a quarter of a million men. It is undoubted that the men thus raised by draft were treated as subject to direct national authority and were used either in filling the gaps occasioned by the vicissitudes of war in the ranks of the existing national forces or for the purpose of organizing such new units as were deemed to be required. It would be childish to deny the value of the added strength which was thus afforded. Indeed in the official report of the Provost Marshal General reviewing the subject it was stated that it was the efficient aid resulting from the forces created by the draft at a very critical moment of the civil strife which obviated a disaster which seemed impending and carried that struggle to a complete and successful conclusion.



Brevity prevents doing more than to call attention to the fact that the organized body of militia within the States as trained by the States under the direction of Congress became known as the National Guard. And to make further preparation from among the great body of the citizens, an additional number to be determined by the President was directed to be organized and trained by the States as the National Guard Reserve.

Thus sanctioned as is the act before us by the text of the Constitution, and by its significance as read in the light of the fundamental principles with which the subject is concerned, by the power recognized and carried into effect in many civilized countries, by the authority and practice of the colonies before the Revolution, of the States under the Confederation and of the Government since the formation of the Constitution, the want of merit in the contentions that the act in the particulars which we have been previously called upon to consider was beyond the constitutional power of Congress, is manifest. Cogency, however, if possible, is added to the demonstration by pointing out that in the only case to which we have been referred where the constitutionality of the Act of 1863 was contemporaneously challenged on grounds akin to, if not absolutely identical with, those here urged, the validity of the act was maintained for reasons not different from those which control our judgment. And as further evidence that the conclusion we reach is but the inevitable consequence of the provisions of the Constitution as effect follows cause, we briefly recur to events in another environment. The seceding States wrote into the constitution which was adopted to regulate the government which they sought to establish, in identical words the provisions of the Constitution of the United States which we here have under consideration. And when the right to enforce under that instrument a selective draft law which was enacted, not differing in principle from the one here in question, was challenged, its validity was upheld, evidently after great consideration, by the courts of Virginia, of Georgia, of Texas, of Alabama, of Mississippi and of North Carolina, the opinions in some of the cases copiously and critically reviewing the whole grounds which we have stated.

In reviewing the subject, we have hitherto considered it as it has been argued, from the point of view of the Constitution as it stood prior to the adoption of the Fourteenth Amendment. But to avoid all misapprehension we briefly direct attention to that Amendment for the purpose of pointing out, as has been frequently done in the past, how completely it broadened the national scope of the Government under the Constitution by causing citizenship of the United States to be paramount and dominant instead of being subordinate and derivative, and therefore, operating as it does upon

all the powers conferred by the Constitution, leaves no possible support for the contentions made, if their want of merit was otherwise not so clearly made manifest.

It remains only to consider contentions which, while not disputing power, challenge the act because of the repugnancy to the Constitution supposed to result from some of its provisions. First, we are of opinion that the contention that the act is void as a delegation of federal power to state officials because of some of its administrative features, is too wanting in merit to require further notice. Second, we think that the contention that the statute is void because vesting administrative officers with legislative discretion has been so completely adversely settled as to require reference only to some of the decided cases. A like conclusion also adversely disposes of a similar claim concerning the conferring of judicial power. And we pass without anything but statement the proposition that an establishment of a religion or an interference with the free exercise thereof repugnant to the First Amendment resulted from the exemption clauses of the act to which we at the outset referred, because we think its unsoundness is too apparent to require us to do more.

Finally, as we are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude in violation of the prohibitions of the Thirteenth Amendment, we are constrained to the conclusion that the contention to that effect is refuted by its mere statement.

*Affirmed.*

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## BEFORE THE CIVIL WAR

*(Continued from page 332)*

American frontier riflemen, and it proved less burdensome in equipment, more flexible and mobile, and easier for inexperienced troops to learn than the traditional infantry practices of European armies—the Swiss phalanx, the Spanish square, and the British heavy infantry in mass formation. Even in the preindustrial age the Americans showed a remarkable capacity for technology and technological innovation. During the Revolution, the superiority of the American rifle over the British smoothbore musket, both in



range and accuracy, was demonstrated again and again. During the Mexican War, foreign military experts repeatedly praised the excellence of the American field artillery.

### PROFESSIONAL MILITARY PRACTICE

Finally, although the Americans, in line with their concept of war as high-spirited amateurism, always expected quick victories and short wars (and Presidents Madison, Polk, and Abraham Lincoln shared this optimism), most military men who conducted United States wars—whether their own backgrounds were professional or non-professional—succeeded in imposing on the American military tradition a cautious and practical view of war and a highly professional military practice.

To most high-level officers in the actual field of operations, remote from the original sources of supplies and equipment, war was not a matter of brilliant risks and strokes of daring but the prosaic business of winning the last battle. The best guarantee of victory was to have a sure flow—if possible, a superiority—of manpower and materials to the main scene of action. This underscored the importance of industrial production, engineering, logistics, and open lines of communications and supply.

General George Washington was a master of Fabian tactics, and he was called "the old fox" because he eluded the British and would never fight unless there seemed more than a fair chance of success. All United States wars down through the Civil War and including the many Indian wars involved, above everything else, maintaining supply lines over vast distances where communication and transportation facilities were precarious and often primitive. Hence the American maxim became: It is not always important to get there "the firstest," but it is always important to get there, if possible, with "the mostest."

### RECOMMENDED READING

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## THE SUPREME COURT

(Continued from page 357)

1967, the Supreme Court refused to review the case. Justice Douglas, intimating no opinion on the merits, dissented from the action of the Court, listing a series of questions about the status of the war which he thought were involved and which he thought the Court should consider.<sup>30</sup>

In other cases, soldiers already inducted challenged the right of the government to compel them to fight in Vietnam on the ground of the alleged illegal status of the war. Lower courts here held that the question was a "political question" not to be determined by the judiciary.<sup>31</sup> Here again the Supreme Court refused to grant review. This time two members, Justices Potter Stewart and Douglas, dissented, enlarging on the list of questions which Justice Douglas had previously thought the Court should consider.<sup>32</sup> The Court, however, continues to keep the door closed.

Although earlier wars have brought protests against conscription and recruitment generally, protests against the war in Vietnam have unique features. The war runs counter to a long-held conviction that the United States should never engage in a major land war on the continent of Asia. Yet without an overall statement of purpose calling for such a commitment, the American contingent has escalated in a few years from a few military advisers to more than half a million armed forces, with even yet no formal declaration of war.

American pressures in behalf of increased involvement have moved implacably, even as opposition has been personalized by a minority

in Congress, by men quietly withdrawing from the Administration whose policies they could not support, and by journalists, religious leaders, and others in non-governmental positions. Resistance to conscription has been waged not merely by extreme pacifists or riffraff in the population or people referred to by Justice Stewart as "three obscure army privates,"<sup>33</sup> but also by some of the most thoughtful and intelligent people in the land, including large segments of student bodies in many prominent colleges and universities. Through the protests have run strains of deep moral concern about waging a war of aggression in foreign lands, for which our enemies in World War II were condemned two decades ago, and concern about directing into military channels intellectual and material resources greatly needed for social and economic reforms within our homeland.

Of the fact that the war has not been officially declared not too much should be made, even though two justices think the status of the conflict should be clarified. Whether by such measures as the Gulf of Tonkin Resolution of 1964<sup>34</sup> or the voting of huge appropriations or the enactment of other supporting measures, Congress may be thought to have provided a kind of "constructive" declaration of war, even as it supported the waging of the Civil War without a formal declaration.<sup>35</sup> As for the allegation that by various treaties the United States has outlawed the kind of war we are now waging, a legal as distinguished from a moral answer is that under the Constitution treaties and acts of Congress operate at the same level and that in the event of conflict the most recent is controlling. No preexisting treaty stands in the way of any measure Congress sees fit to enact.

It therefore seems unlikely that the Supreme Court, which is first of all a court of law and which takes its mandate from the Constitution, will challenge the power to draft men to fight in Vietnam. This estimate of probability, however, does not go to the root of the moral question whether young men who see the war as a moral outrage and who re-

<sup>30</sup> *Mitchell v. United States*, 18 L. ed. 2d 132 (1967).

<sup>31</sup> *Luftig v. McNamara*, 252 F. Supp. 819 (1966), 373 F. 2d 664 (1967).

<sup>32</sup> *Mora v. McNamara*, 19 L. 3d. 2d 287 (1967).

<sup>33</sup> *Mora v. McNamara*, 19 L. ed. 2d 287, 288 (1967).

<sup>34</sup> 78 Stat. 384. For text see *Current History*, Jan., 1968.

<sup>35</sup> Prize Cases, 2 Black 635 (1863).

sent the lack of democratic and lawful means of expressing their opposition should resist and pay the legal penalty or take refuge in some foreign land as many have already done, rejecting responsibility for the activities of their country or for promoting its welfare. Constitutional and moral questions intertwine but they are not necessarily identical—as witness the highly unconstitutional acts of British colonists in America in the 1770's.

A related and also unanswered moral question involves the activities of people not necessarily subject to conscription who urge others to resist. As the Constitution has long been interpreted, their freedom of speech and press is limited to the extent that they may be punished if they create a clear and present danger of effective obstruction of recruitment. They have no *constitutional* right to violate a constitutional law. The question of their moral right and even their moral obligation, however, may still remain.

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## THE CIVIL WAR AND CONSCRIPTION

(Continued from page 338)

In addition, enrollments were authorized for particular organizations already in the service, and commanding generals of departments or armies in the field were allowed to detail officers for recruiting purposes in opposition to the Bureau. Thus a dual system of conscription was instituted with resultant conflict and confusion.

Whether conscription was worth the trouble and effort it involved is doubtful. Many people considered it a disgrace and looked upon conscripts as little better than criminals. Undoubtedly it was a failure except in that it propelled people into volunteering. The selective service provisions of the 1864 act sent no more people into industry than would

have found their way there by other means. As one author has written, succinctly:

Conscription destroyed the strongest weapon the Confederacy had, the co-operation of the state governments and their people.<sup>4</sup>

The outstanding mobilization lessons of the Civil War have been summarized by two Civil War historians as follows:

1. Planning in advance of a mobilization is necessary to avoid waste and inefficiency. Such planning should be the responsibility of a special staff group.
2. Centralized, coordinated, supervisory control of the war effort at the War Department level is a prerequisite of an orderly mobilization. . . .
3. Manpower for a major mobilization can not be procured by a Volunteer system whether under state or Federal control.
4. The Militia as organized could not provide a reservoir of military manpower.
5. Conscription based on principles of selective service is the most efficient and fair method of obtaining military manpower. Such a system should include utilization of manpower regardless of color and should include limited service men. It should preclude use of bounties, substitution, or commutation. The term of service should be for the duration of the war.
6. After the initial organization of the Army, units should be kept at full strength by a replacement system; additional units should be raised only if actually needed as organizations.
7. The officers and enlisted men of the Regular Army with their experience and training must be used as the cadre for the wartime Army. . . .
8. Some sort of an officer training program for company grade officers is necessary in any large-scale mobilization. Officer candidates should be selected on the basis of prospective ability. A retirement system is necessary to allow older officers to step aside. Promotion should be based on efficiency and not strict seniority.
9. Training programs should be carefully planned and organized at the War Department level in peacetime so that an adequate uniform training program can be instituted at the beginning of a mobilization.
10. Coordination of manpower mobilization and logistics is essential. . . .<sup>5</sup>

In an analysis of the Civil War draft, Brigadier General James Oakes, the assistant provost marshal general for Illinois, pointed out virtually all the shortcomings listed above.<sup>6</sup> His report lay virtually unnoticed until World War I, when it became one basis of the selective service system.

<sup>4</sup> E. Merton Coulter, *The Confederate States of America, 1861-1865* (Baton Rouge: Louisiana State University Press, 1950), p. 327.

<sup>5</sup> Kreidberg and Henry, *op. cit.*, pp. 139-40.

<sup>6</sup> The United States War Department. *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880-1901), Series III, Vol. 5, pp. 825-41.

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## 20TH CENTURY LAND ARMIES

*(Continued from page 326)*

Already there is talk of doing away with the draft, as has already been done in England. Analysts are now discussing the possibility of creating a professional military service made up of longer-term volunteers. Smaller land forces may be adequate if the trend towards greater and greater reliance on deterrence rather than on real defense capabilities continues and becomes accepted in the United States.

Thus far, nothing has been said concerning the special role of ground forces in meeting the type of guerrilla conflict so common in the post-World War II era. The paramount role of ground forces in this type of military operation is obvious. Clearly the professional army or the volunteer army will continue to be necessary in waging counterinsurgency, if not in Asia, at least in Latin America which is still perceived by many Americans as an area vital to United States interests. Although the United States did not invade Cuba during the missile crisis of 1962, when President Kennedy successfully forced the Soviets to back down, it is possible that Latin America is the one region where a United States political consensus in favor of intervention might still be achieved. The principal obstacle to military intervention in that region would be the long-standing and deep-seated hostility to such action by the Latin Americans themselves, occasioned by previous interventions. The United States has yet to demonstrate the utility of counterinsurgency forces in a successful action. The British were successful in Malaya under different political and geographical circumstances, and the government of President Ramon Magsaysay of the Philippines was successful in putting down the Huk guerrilla insurgency. France, however, failed in Algeria, not militarily but politically, and the British were not wholly successful in Cyprus. Hence there is some question whether parliamentary democracies can successfully wage this type of conflict.

In summary, it is clear that ground forces serve a much more sophisticated variety of purposes today. Some characteristics of their utility in World Wars I and II still obtain even in Vietnam, and these characteristics were also present in some measure in Korea. But even in those cases where large-scale conventional military efforts have been mounted and employed, ground forces have been used in a variety of new roles, e.g., counterinsurgency, "graduated deterrence," "flexible response," and limited war. Perhaps one of the greatest changes in the role of ground forces, however, from the standpoint of the United States, is the greater meshing of these forces with political objectives.

Finally, while nuclear arms have never been employed in a bilateral conflict, it is clear that in an age of deterrence and limited conflicts the importance of ground forces is not their size but their inextricable tie with tactical and strategic nuclear weapons. The most important change in the role of ground forces is the decline since World War II of their role as the principal instrument of ultimate decision.

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## WORLD WAR I

*(Continued from page 344)*

classes; the accepted men were listed in Class I and were immediately inducted until the quota, apportioned by population, had been filled in each district. The paper work was overwhelming, but the draft moved expeditiously. Within ten days, the first draftees reported for duty; by September, 430,000 and by December, 516,000 were in camp. Meanwhile, the National Guard was "drafted" into the army; thus by the end of 1917 there were 1,189,000 in all branches of the service.

No one was exempt from the war effort. On May 17, 1918, Crowder issued his famous "work or fight" order. He listed as "idlers" the unemployed and those in non-useful occupations who ranged from clairvoyants to baseball players. On June 5, 1918, all young men reaching 21 during the year previous were ordered to register; on August 24, a

similar supplementary order was issued. These orders added 904,026 new names.

Despite this augmentation, Class I was exhausted. Millions had been deferred; some 30 per cent were physically unfit, nearly 25 per cent were illiterate, and some two per cent were deserters. Nor was voluntary enlistment filling the gap. Accordingly, in December, 1917, the Army had stopped further enlistments and on August 9, 1918, the Navy and Marine Corps followed suit.

Where were the additional men to come from? Should the age limits be extended or should deferments be relaxed? With misgivings, the former alternative was adopted. Under the law of August 3, 1918, all men between 18 and 45 were ordered to register. No one expected much of the middle-aged, since half would be physically unfit, but the Army had finally won in its desire to draft youth. Though 13,395,706 new names were added, classification was only in process when the November armistice ended the war.

Patriots have happily noted how few conscientious objectors there were. The number was small—only 3,989—of whom only 450 finally refused non-combatant service. Such figures mean little. The law allowed only members of recognized religious sects, notably the Quakers, to claim deferment. It made no provision for those unaffiliated with a church but with humanitarian misgivings or for those strange groups that refused to wear buttons or salute the flag. Whether the 337,649 who dodged the draft—a high figure of 12 per cent of those inducted—throws any light on conscientious objection must be left as a query.

In summary, total registration reached 24,234,021. Of these, 2,810,296 were drafted. Including those who enlisted and those already in the service, the armed forces on November 11, 1918, totaled 4,791,172 men. Of that number, 1,971,000 saw service in France. All in all, the raising of an American army in 1917–1918 in the light of the unpreparedness a year and a half earlier was a creditable performance. But compared to the armies raised by the Allies and Germans alike, it was not a remarkable effort.

## SELECTIVE SERVICE IN WORLD WAR II

*(Continued from page 350)*

On the face of it, it might seem that a mobilization of such magnitude as this should have produced more than 89 Army and 6 Marine divisions. Germany, with a population of 80,000,000, mobilized 313 divisions, and Japan had 120.

A part of the difference lay in the nature of the task at hand. Long supply lines around the world demanded large numbers of service troops, so that of the Army's effective strength ceiling of 7.7 million, 1.7 million went into the Service Forces. The Air Forces claimed another 2.34 million, and nearly half a million men were needed to man headquarters and special units attached to the theaters and major command organizations.

Another major difference lay in the replacement system. Other armies (and the United States prior to World War II) generally followed the practice of organizing as many divisions as manpower would permit, and then rotating them in and out of the battle areas as they suffered heavy casualties. In World War II, the United States Army theoretically kept all its divisions at or near full strength indefinitely by a steady flow of individual replacements as needed. Thus, an infantry division's total strength was about 15,000 officers and men. But three or four times that number might actually serve in a single division as replacements filled vacancies left by casualties over a period of eight to ten months of virtually continuous combat.

### CONCLUSIONS

In view of the final results, the Selective Service System was clearly effective in providing in an orderly way the military manpower needed in World War II. When virtually all available men were to be called, the system of complete registration, classification and a lottery to determine the order of calls worked very well. The question of reconciling the

*(Continued on page 384)*



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# THE MONTH IN REVIEW

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*A CURRENT HISTORY chronology covering the most important events of April, 1968, to provide a day-by-day summary of world affairs.*

## INTERNATIONAL

### Central Treaty Organization (Cento)

Apr. 23—In London, the Cento Council of Ministers opens its 15th session. British Prime Minister Harold Wilson declares his nation will continue to support Cento even though Great Britain plans to withdraw from the Persian Gulf by 1971.

### Communist Bloc

Apr. 29—At a 5-day meeting in Budapest, a world Communist meeting is scheduled for November 25, 1968, in Moscow. Communist nations absent from the Budapest meeting include China, Rumania, Albania, Cuba, North Vietnam, Yugoslavia and North Korea.

### Disarmament

Apr. 26—In the Political Committee of the General Assembly, debate opens on the Soviet-U.S. nuclear non-proliferation draft treaty.

### International Monetary Crisis

Apr. 1—The London gold market reopens; it has been closed since March 15, 1968. On the free market, the price of gold reaches \$38 an ounce, \$3 above the official price.

Apr. 23—In Paris, officials from the major financial powers warn the U.S. to reduce its payments deficit.

Apr. 26—On the Zurich market, golds sell at \$38.65 an ounce.

### Middle East Crisis

Apr. 1—At the U.N. Security Council, Jordan's representative, Muhammad H. el-Farra, opposes a build-up of U.N. observers in the Israeli-occupied section of Jordan.

Apr. 8—Israeli army officials announce that Israeli soldiers using helicopters have chased 18 Arab terrorists 18 miles into Jordan.

Apr. 10—U.A.R. President Gamal Abdel Nasser, addressing the secretariat of the Arab Lawyers' Conference in Cairo, declares that the U.A.R. is "fully prepared to support and arm the Palestine resistance movement" in its terrorist activities against Israel.

Apr. 13—A Baghdad radio broadcast announces that the Iraqi Cabinet has formed a committee to raise funds for the 3 main Arab guerrilla organizations conducting terrorist activities against Israel.

Apr. 18—The Israeli government requisitions some 29 acres near the Wailing Wall in the Old City of Jerusalem to restore the Jewish Quarter. Also requisitioned is a Jewish village captured during the 1948 war by the Arabs.

Apr. 25—In Jerusalem, Arab women and Israeli policemen battle when police break up a march by women protesting Israeli Independence Day plans for a parade through the Arab sector of Jerusalem.

Apr. 27—The U.N. Security Council unanimously votes to ask Israel to cancel the military parade through the Arab sector of Jerusalem. Israeli representative to the U.N. Yosef Tekoah declares that the parade will be held as scheduled.

Apr. 28—On the occupied west bank of Jordan, an Israeli patrol kills 13 Arab infiltrators.

### North Atlantic Treaty Organization (Nato)

Apr. 19—The Nato Nuclear Planning Group reports that an antiballistic missile defense system for Europe is not now practical.

## **Southeast Asia Treaty Organization (Seato)**

Apr. 3—The Seato Council of Ministers closes its 13th annual meeting.

## **United Nations**

Apr. 18—The Security Council approves the admission of Mauritius as the 124th U.N. member; the General Assembly must also approve.

The members of the U.N. Council for South-West Africa leave for New York from Tanzania. They have been unable to fly to Windhoek, capital of South-West Africa, because South Africa has refused them landing clearance; they cannot enter by road because of flooding in the Zambezi Valley.

Apr. 23—The General Assembly resumes its 22d regular session; it approves by acclamation the membership application of Mauritius.

Lord Caradon, Britain's representative to the U.N., presents a draft resolution to the Security Council for broadening trade sanctions and other sanctions against the white supremacist government of Rhodesia.

## **United States of Central Africa**

Apr. 2—The Presidents of Chad, the Congo Republic and the Central African Republic sign an agreement establishing a regional common market group.

## **War in Vietnam**

(See also *U.S., Foreign Policy, Military*)

Apr. 2—U.S. military spokesmen announce that yesterday U.S. planes attacked North Vietnamese targets including a radar site, 205 miles north of the demilitarized zone.

In a formal statement, the U.S. Defense Department clarifies the bombing halt announced by President Lyndon B. Johnson March 31: there will be no attacks north of the 20th parallel in North Vietnam, a line about 225 miles north of the demilitarized zone. Because of North Vietnam's configuration, almost 90 per cent of its people and 76 per cent of its territory lie north of the 20th parallel.

Apr. 3—The U.S. and North Vietnam issue public statements agreeing to establish diplomatic contacts. North Vietnam declares that the contacts should be used to work out an unconditional end to all U.S. air strikes in North Vietnam and "all other acts of war" in order "that talks may start."

South Vietnam's Vice President Nguyen Cao Ky declares that South Vietnam will not accept a coalition government that includes Vietcong elements.

Apr. 6—General William C. Westmoreland, the U.S. commander in Vietnam, arrives in Washington for private talks with President Johnson and other officials.

Some 1,000 relief troops are flown by Army helicopter into Khesanh, the U.S. garrison near the demilitarized zone. Elements of 2 U.S. Army battalions advance to within 500 and 800 yards of the base, under siege since January 21, 1968. There is virtually no resistance from North Vietnamese troops.

Apr. 8—President Johnson discloses that the North Vietnam government has sent him a private official message; Johnson promises "to work out promptly a time and place for talks."

U.S. Secretary of Defense Clark M. Clifford asserts, after a 4-day investigation, that no U.S. bombing attacks have been staged north of the 20th parallel. Four days ago, North Vietnam charged the U.S. with bombing north of the 20th parallel.

In South Vietnam, U.S. sources report that President Johnson has quietly restricted U.S. bombing attacks to areas south of the 19th parallel in North Vietnam.

Apr. 9—At Camp David, Maryland, President Johnson confers with U. S. Ambassador to South Vietnam Ellsworth Bunker, who arrived early this morning.

Apr. 10—President Johnson names Cyrus R. Vance, former Deputy Secretary of Defense, to assist U.S. Ambassador-at-Large W. Averell Harriman in preliminary talks with North Vietnamese officials.

The U.S. military command announces that 100,000 troops are engaged in the larg-

est allied offensive of the war, "Complete Victory," aimed at routing enemy troops from the III Corps area surrounding Saigon.

Apr. 11—U.S. Defense Secretary Clifford announces that American troop strength in Vietnam will not exceed 550,000 men. Clifford discloses that the U.S. has made "the policy decision . . . to turn over gradually the major effort to the South Vietnamese" in conducting the war effort.

George Christian, President Johnson's press secretary, discloses that North Vietnam has proposed Warsaw as the meeting place for U.S.-North Vietnamese preliminary talks.

Apr. 13—A North Vietnamese Foreign Ministry statement issued in Hanoi declares that the U.S. ". . . must stop creating difficulties in the choice of a place for preliminary contacts. . . ." The statement criticizes the Johnson Administration for promising that it was "ready to go anywhere, at any time" for negotiations.

Apr. 14—From Saigon, it is reported that 15 days ago U.S. and South Vietnamese military commanders met secretly; U.S. Deputy Ambassador Samuel D. Berger reportedly urged South Vietnamese generals to support the government of President Nguyen Van Thieu.

Apr. 15—President Johnson arrives in Hawaii.

Apr. 16—Johnson and U.S. military commanders in the Pacific confer on Vietnam in Honolulu.

Apr. 18—At Khesanh, North Vietnamese troops heavily shell U.S. marines.

In a televised statement, U.S. Secretary of State Dean Rusk proposes 10 new sites for preliminary talks with North Vietnam.

Apr. 19—Rejecting all U.S. proposals, North Vietnam insists that talks be held in Warsaw.

Apr. 20—A U.S. military spokesman announces that yesterday U.S. planes flew 160 missions against North Vietnam.

Apr. 25—The U.S. State Department reports that the U.S. Ambassador to Laos and the *chargé d'affaires* of the North Vietnamese embassy in Laos met today.

Apr. 26—It is reported that the Soviet Ambassador to France, Valerian Zorin, has proposed that North Vietnamese-U.S. talks be held in 2 installments: first in Warsaw, and later in Paris.

It is disclosed that U.S. Air Force F-111 jets have resumed bombing missions.

## West African Regional Group

Apr. 24—Meeting in Monrovia, Liberia, representatives of 9 West African nations agree to promote economic cooperation by forming the West African Regional Group.

## BELGIUM

Apr. 1—Paul Vanden Boeynants, Premier of the outgoing government and leader of the Social Christian party, confers with King Baudouin about forming a new government of national coalition. A national election held yesterday gives no party a clear majority. Dutch-speaking Flemings and French-speaking Walloons are in bitter conflict.

## BRAZIL

Apr. 1—Federal troops move into Rio at the request of state authorities to help quell student demonstrations which began as a protest against conditions in a student cafeteria and turned into a general protest against the Government. The clashes intensified after a demonstrating student was killed by the police on March 28.

Apr. 2—Two students are wounded in the Cathedral of Goiania. Archbishop Fernando Gomes dos Santos accuses the police of "sacrilegious arrogance" and appeals to President Artur da Costa e Silva for appropriate measures.

Apr. 4—Priests led by Bishop José Castro Pinto protect students from mounted police as they leave a requiem mass for a youth who was killed in a clash between student demonstrators and the police on March 28.

Apr. 6—A group of Roman Catholic priests issues a statement asserting that the 4-year-old Brazilian revolution has "failed in many ways."

It is learned that Carlos Lacerda, for-

mer governor of Guanabara, who has been leading efforts to form a broad front against the Government, failed to attend a political rally last night after authorities forbade any further activities by his group. Authorities have also forbidden any press, radio or television reporting of the front's activities.

Apr. 8—Brazil and the U.S.S.R. announce the signing of a new trade agreement. Brazil is considering buying \$20-million worth of Soviet oil and 110,000 tons of wheat.

Apr. 9—The Interior Ministry announces that 120 people have been charged with theft and misuse of funds involving Brazil's Indians. No murder charges have been entered despite a government report a month ago that thousands of Indians have died due to bad treatment or lack of assistance from the former Indian protective service.

### CANADA

Apr. 6—The Liberal party elects Pierre Elliott Trudeau, a French Canadian and Minister of Justice, as leader of the party. He will automatically succeed retiring Lester Pearson to become the next Prime Minister of Canada.

Apr. 13—Prime Minister-designate Trudeau reveals that he will disengage Canada from many foreign involvements.

Apr. 20—Trudeau is sworn in as the 15th Prime Minister.

Apr. 23—Trudeau dissolves Parliament and calls a general election for June 25.

### CHILE

Apr. 4—It is reported that last night Chile's Senate approved by a small margin President Eduardo Frei's fiscal program.

### CHINA, PEOPLE'S REPUBLIC OF (Communist)

Apr. 19—Ralph L. Powell, a U.S. State Department adviser on Chinese affairs, reports indications of an expansion of Communist China's armed forces to help control unrest in China.

### COLOMBIA

Apr. 20—It is reported that the International

Monetary Fund has approved a grant of \$33.5 million in standing credits for Colombia for the next 12 months.

### CUBA

Apr. 1—City dwellers move into the countryside today by the thousands in the first phase of a mass mobilization for agricultural work.

Apr. 3—Havana University is placed under military discipline by the Cuban government; beards, mustaches, long hair and narrow pants are banned as incompatible with the new military discipline on the campus.

Apr. 6—The Canadian, Swiss and Israeli embassies ask the Cuban government why food imported for their missions has been impounded.

Apr. 13—It is reported that this week Premier Fidel Castro ordered 1,000 Cuban-designed and Cuban-built cane-cutting combines in a move to mechanize Cuba's sugar cane harvesting. The combines are to be ready for the 1970 harvest.

Apr. 22—Induction centers are opened as the Government announces plans to send 50,000 young volunteers into the countryside to work on agricultural projects in the province of Camaguey. The youths will work for three years at the rate of \$80 a month and the work period will count as military service.

### CZECHOSLOVAKIA

Apr. 1—Communist party leader Alexander Dubček tells the Central Committee that new laws will guarantee freedom of expression and criticism and freedom of the press.

Apr. 3—It is announced in Prague that the death of Jan Masaryk 20 years ago will be investigated by the State Prosecutor. Students charge that the former Foreign Minister did not commit suicide when the Communist regime took over.

Apr. 6—A liberalized Cabinet is formed by newly-appointed Premier Oldrich Cernik. Several young intellectuals are given posts.

Apr. 9—Curbing of state police power and permission for greater freedom to travel

abroad are announced by the new party leadership.

Apr. 15—Charges that Stalin's secret police murdered Jan Masaryk in 1948 are made by survivors of the Communist trials.

Apr. 29—The U.S.S.R. announces that it will suspend wheat shipments to Czechoslovakia. Despite Russian claims of grain shortages, Czechs regard the Russian step as a retaliatory action for anti-Stalinist charges.

## DAHOMY

Apr. 1—Official returns are announced on the referendum held yesterday on a draft constitution: the draft was approved, 846,521 to 71,695. The referendum paves the way for a return to civilian rule, suspended by an army coup in December, 1967.

## FRANCE

Apr. 25—A censure motion in the National Assembly against Premier Georges Pompidou is defeated by a narrow margin of 8 votes. The vote makes possible the use of advertising on state-owned radio and television stations.

## GERMANY, DEMOCRATIC REPUBLIC OF (East)

Apr. 7—The Communist party announces that in yesterday's plebiscite 94.54 per cent of the electorate voted in favor of a new Socialist constitution.

Apr. 8—Walter Ulbricht, Communist party leader, calls on Western nations to grant full recognition to East Germany.

Apr. 13—The Ministry of the Interior bars all West German Cabinet ministers and leading officials from highway or rail access to West Berlin. The step is attributed to East German anger over police measures against rioting left-wing students in West Berlin.

## GERMANY, FEDERAL REPUBLIC OF (West)

Apr. 1—The government agrees to grant Great Britain \$177.5 million through bond and import purchases to help cover costs of maintaining British troops in Germany.

Apr. 9—The Bonn government proposes that negotiations be held between Germany and the U.S.S.R. to work out an agreement to renounce the use of force.

Apr. 11—Rudi Dutschke, left-wing student leader, is critically injured in West Berlin by a gunman. 2,000 students demonstrate when the news is announced.

Apr. 13—Chancellor Kurt-Georg Kiesinger warns left-wing students against further demonstrations. Assassin Joseph Bachmann, 23-year-old admirer of Adolf Hitler, is in the hospital following a gun battle with police.

Apr. 14—New violence is reported in West Berlin as 4,000 students demonstrate.

Apr. 15—A number of West German cities experience student demonstrations as protests mount against the conservative newspaper chain owned by Axel Springer, which has been critical of student actions.

Apr. 22—Chancellor Kiesinger asks the French to be generous in their consideration of British membership in the European Economic Community.

Apr. 26—West Berlin's Mayor Klaus Schütz is barred from driving on the autobahn linking West Berlin with West Germany.

Apr. 28—France, Britain and the U.S. call on the U.S.S.R. to restore freedom of travel on the route to West Berlin.

The right-wing National Democratic party wins 9.8 per cent of the vote in a state election in Baden-Württemberg. The Christian Democratic Union remains the strongest party, with 44 per cent of the vote.

## GREECE

Apr. 15—On the eve of the first anniversary of the military coup, the army-backed regime places 2 former premiers under house arrest.

Apr. 17—Former Premier George Papandreou asks for a world boycott to try to topple the Greek regime. Papandreou is under house arrest in Athens.

## INDIA

Apr. 27—The Congress party wins control of 9 of Kerala's 17 Municipal Councils, de-



feating most candidates sponsored by the leftist coalition state government.

## INDONESIA

Apr. 9—About 1,000 students battle troops trying to prevent a demonstration. One student is killed. The students are disturbed by economic problems, particularly unemployment.

## IRAQ

Apr. 21—Demands for a coalition regime are voiced by 13 important retired Army officials. A 30-man legislature is proposed.

Apr. 25—The Ministry of Foreign Affairs announces an agreement with Great Britain to resume diplomatic relations, broken off in the Arab-Israeli war in June, 1967.

## ISRAEL

(See also *Intl, Middle East Crisis*)

Apr. 16—The Israeli government pays the final installment on 18 Mirage fighter-bombers ordered from France. The French government has refused delivery until peace settlements are reached in the Middle East. The Israelis are contemplating a suit for breach of contract.

Apr. 24—An increase of \$123 million is announced in the military budget to be submitted to the *Knesset* (Parliament) by the Finance Ministry.

## JORDAN

(See also *Intl, Middle East Crisis*)

Apr. 20—An illegal National Coalition, formed by 5 underground political parties, is announced. Ranging from far left to right, the parties have been illegal since 1957. The new activity has been stirred by the defeat of Jordan in the June, 1967, war.

Apr. 25—King Hussein fires 2 security officials who oppose the use of Jordanian bases by Arab guerrillas attacking Israel.

## KENYA

Apr. 20—Changes in electoral procedure are announced by the Parliament. Candidates for local elections must now be nominated

by the 2 major parties, to insure that Kenya "continues to be ruled by a strong and well organized political party."

## KOREA, REPUBLIC OF (South)

(See also *U.S., Foreign Policy*)

Apr. 1—Two million reservists are formally activated by President Chung Hee Park, in response to the assassination attempt on his life last January 21 and the seizure of the *Pueblo* on January 23.

## LAOS

Apr. 11—Officials of the International Control Commission announce that they will visit embattled regions of Laos to investigate North Vietnamese and Pathet Lao assaults.

Apr. 13—Two towns in southern Laos are surrounded by Pathet Lao and North Vietnamese troops. A new range of heavy weapons is reported in use by the Communist forces.

## NIGERIA

Apr. 6—The Federal government announces capture of Abakaliki, a provincial headquarters of the secessionist Eastern Region (Biafra).

Apr. 13—Biafra threatens to nationalize U.S. and British firms if they continue to collaborate with Nigeria.

Apr. 17—Nigerian military pressure against Biafra increases following Tanzanian recognition of Biafra.

Apr. 22—President of the Ivory Coast Félix Houphouët-Boigny praises the secessionists in Biafra and the recognition of Biafra by Tanzania.

Apr. 25—The government of Nigeria indicates willingness to negotiate under British auspices to end the civil war.

Apr. 27—Biafran officials announce that nearly 300 civilians have been killed in Nigerian air raids in the past few days.

## PAKISTAN

Apr. 3—President Mohammad Ayub Khan announces a spectacular wheat and rice crop this year. He predicts self-sufficiency in food by 1970.

Apr. 6—A 5-year trade agreement is signed between Pakistan and Rumania. This trade is expected to amount to \$18 million this year.

Apr. 18—Premier Aleksei N. Kosygin of the U.S.S.R. promises Pakistan increased economic aid. A steel mill and an atomic power plant are included in the offer.

## PANAMA

Apr. 5—The Supreme Court, in an 8-1 decision, declares unconstitutional the National Assembly's procedures in impeaching and convicting President Marco Robles. The Assembly convicted President Robles on the grounds that, in violation of the Constitution, he used his office to promote the candidacy of his former finance minister, David Samudio, in the presidential campaign.

## POLAND

Apr. 2—Three top-ranking generals are demoted by the Polish government. Similar demotions last summer resulted from officer resistance to the anti-Jewish campaign.

Apr. 7—A Jewish army instructor is dismissed, bringing to 13 the officials fired in the widening purge of Jews. Previously dismissed were the chief of the Polish Atomic Energy Agency, a minister of foreign trade and 5 deputy foreign ministers.

Apr. 8—President Edward Ochab resigns, citing deteriorating health.

Apr. 11—Defense Minister Marian Spychalski is elected President of Poland.

Apr. 24—The Polish government ousts 13 more Communist party officials, most of them Jewish.

Apr. 25—Communist Party leader Wladyslaw Gomulka fires the press director of the Interior Ministry in an apparent attempt to cut down the anti-Zionist campaign.

## RHODESIA

Apr. 6—Prime Minister Ian D. Smith announces the end of press censorship, which has been in effect since Rhodesia unilaterally declared its independence from British rule.

## SIERRA LEONE

Apr. 18—A bloodless coup against the ruling military junta which had seized power in 1967 is led by noncommissioned officers; the junta leaders are arrested.

Apr. 21—The Interim Council relaxes the post-coup curfew. Officers of the deposed junta are demoted.

Apr. 26—Siaka Stevens, the Prime Minister ousted in the 1967 coup, is sworn in as Prime Minister.

## SOUTH AFRICA

Apr. 6—A parliamentary bill to ban political parties with multiracial membership receives its first reading; the existence of the Liberal party and the Progressive party is threatened.

## SPAIN

Apr. 3—Foreign Minister Fernando Castiella y Maiz announces that Spain is going to "reconsider very carefully all present and future military commitments" in view of the increased Soviet presence in the Mediterranean.

Apr. 8—Two leaders of clandestine workers' commissions are sentenced to a year in prison for participating in demonstrations.

Apr. 14—Spanish police seal off the city of San Sebastian to prevent a Basque nationalist demonstration.

Apr. 17—Independence for Spanish Guinea in 1968 is promised by Foreign Minister Castiella y Maiz.

## SWEDEN

Apr. 17—U.S. Ambassador to Sweden William Heath returns to Sweden after a trip to the U.S. to report to U.S. President Lyndon B. Johnson on the strained relations between the two countries.

## SYRIA

Apr. 28—The largest budget in Syrian history is announced, \$285.5 million, for "war and construction."

## UNITED KINGDOM

(See also *Intl, Cento*)

Apr. 21—Edward Heath, leader of the Con-

servative party, dismisses Enoch Powell, a member of the shadow cabinet, as the party spokesman on defense matters, because of his racist ideas. Yesterday, at a Conservative party meeting in Birmingham, Powell advocated stopping the entry of colored immigrants and helping colored persons who want to leave Britain.

## British Territories

### The Bahamas

Apr. 10—The Progressive Liberal party under Premier Lynden O. Pindling wins overwhelmingly in a general election. The white-supported United Bahamian party loses most of its seats in the Bahamian Parliament.

### Bermuda

Apr. 27—The British frigate *Leopard* sails from Norfolk, Virginia, at the request of the Bermuda government to aid police in quelling the rioting and arson that broke out yesterday.

Apr. 29—Despite continuing tension, the Bermuda government dissolves Parliament and schedules the island's first elections based on universal suffrage for May 22.

## U.S.S.R.

Apr. 5—The Soviet government gives the U.S. a draft of a new cultural exchange treaty between the U.S. and the U.S.S.R. to replace the agreement which expired in 1967.

Apr. 10—Three Soviet warships enter the Mediterranean through the Bosphorus Strait; 13 ships have sailed into the area in the past 10 days.

Apr. 11—The Central Committee of the Communist party calls for a fight against Western ideological subversion, reflecting concern over unrest in Czechoslovakia and Poland.

Apr. 17—The conviction of 17 Russian intellectuals for plotting against the government is announced.

## UNITED ARAB REPUBLIC

(See *Intl, Middle East*)

## UNITED STATES

### Agriculture

Apr. 1—The U.S. Public Health Service reports that the death of 6,400 sheep in Utah in March may have been caused by a nerve gas tested by the Army at the Dugway Proving Ground on March 13.

### Civil Rights

(See *Race Relations, Student Protests*)

### The Economy

Apr. 10—Volume on the New York Stock Exchange reaches a new high of 20.41 million shares traded, overturning the record of 19.29 million shares traded on April 3. The April 3 transactions broke a 38-year old record set October 29, 1929, the "Black Tuesday" of the stock market crash that ushered in the Great Depression.

Apr. 18—The Federal Reserve System raises its basic lending rate—the discount rate—to 5.5 per cent from 5 per cent—its second increase in a little over a month. The commercial banks' interest rate on large time deposits is raised to 6.25 per cent from 5.5 per cent.

Apr. 19—Chairman of the Federal Reserve Board William McChesney Martin says that "The nation is in the midst of the worst financial crisis since 1931," although the problem is inflation, not deflation. He calls for a tax increase, reduction of the budgetary deficit and a correction of the adverse balance of payments.

### Foreign Policy

(See also *Intl, War in Vietnam*)

Apr. 1—President Lyndon B. Johnson names Ambassador-at-Large Henry Cabot Lodge, former Ambassador to South Vietnam, as Ambassador to West Germany, replacing George C. McGhee.

Apr. 2—Arkansas Democratic Senator J. W. Fulbright charges that the President has made a misleading statement about curtail bombing raids in North Vietnam.

Apr. 17—In Honolulu, President Johnson confers with South Korean President Chung Hee Park at Park's request.

Apr. 18—President Johnson returns to his Texas ranch after a 3-day trip to Hawaii.

Apr. 23—The President suggests a 5-year plan to speed economic development in Latin America.

Apr. 25—President Johnson accepts the resignation of U.S. representative to the United Nations Arthur J. Goldberg "with regret" but with no formal word of praise. The President names former Under Secretary of State George W. Ball to replace Goldberg early in June.

## Government

Apr. 2—Congress completes action on a bill creating an elective District of Columbia school board, thus granting the District a small fraction of local suffrage. In November, the residents of the nation's ninth largest city will cast votes in Washington's first election for any local office in 97 years.

Apr. 10—Lawrence F. O'Brien resigns as Postmaster General; the President names Presidential Appointments Secretary W. Marvin Watson to succeed O'Brien.

Apr. 11—Congress extends federal excise taxes on telephone service and new auto sales until April 30, 1968.

Apr. 26—The White House reveals the creation of an Urban Institute, an independent, government-supported research center, to be headed by William Gorham, an Assistant Secretary of Health, Education and Welfare.

## Labor

Apr. 1—The copper strike ends after 8½ months; on July 15, 1967, 26 unions began the strike against the Kennecott, Phelps Dodge, Anaconda and American Smelting and Refining copper companies.

Apr. 18—The first national strike against the Bell Telephone system in 21 years begins; wage and wage-related problems are at issue. Direct dial calls are not affected.

## Military

(See also *Government, Race Relations; Intl, War in Vietnam*)

Apr. 5—It is reported from Washington that

the Defense Department thinks the 2d F-111 (swing-wing) jet lost in Southeast Asia crashed because of malfunction.

Apr. 6—The U.S. Embassy in Bangkok, Thailand, reports the arrival of 2 more F-111 jet bombers.

The battleship *New Jersey* is recommissioned.

Apr. 10—The President names General Creighton W. Abrams to succeed General William C. Westmoreland as commander of U.S. forces in Vietnam.

Apr. 11—Secretary of Defense Clark M. Clifford announces that the President has called 24,500 military reservists to active duty; 10,000 will be sent to Vietnam; the others will replenish the Strategic Reserve in the U.S.

Apr. 23—A 3d F-111 fighter bomber is reported lost in Thailand, apparently because of mechanical failure.

It is reported in Washington that the Army plans to add some 10,000 men to its units trained in antiriot duty.

## Politics

Apr. 3—Final returns indicate that Minnesota Democratic Senator Eugene McCarthy won 406,098 votes in yesterday's Wisconsin primary; former Vice President Richard Nixon won 385,052 votes.

Apr. 15—A national meeting of Democratic governors convenes in St. Louis; they do not commit themselves as a group to support any candidate for the Democratic presidential nomination.

Apr. 25—Official returns reveal that McCarthy won 401,896 votes in the Pennsylvania primary on April 23; his is the only name on the ballot. McCarthy maintained an almost 8 to 1 lead over New York's Democratic Senator Robert Kennedy, write-in candidate, who was the only one of the 5 write-in candidates who campaigned in Pennsylvania. McCarthy's lead over Vice President Hubert Humphrey was 10 to 1.

Humphrey announces that he is a candidate for the Democratic presidential nomination.

Apr. 29—In a nationally-televised interview, Humphrey suggests that the President “may have overspoken” when he pledged he would go “any place any time” to open peace negotiations with North Vietnam.

Apr. 30—New York Governor Nelson Rockefeller declares he is a candidate for the Republican presidential nomination. Former Vice President Richard Nixon is the only other Republican candidate.

Early returns give Rockefeller a surprising lead over Nixon and favorite-son candidate Governor John Volpe in the Massachusetts Republican primary. McCarthy, the only candidate on the Democratic primary slate, runs ahead of write-in candidates Kennedy and Humphrey.

## Race Relations

Apr. 4—Martin Luther King, Jr., 39-year-old Negro civil rights leader and Nobel Prize winner, is shot and killed in Memphis, Tennessee; his assassin escapes. Tennessee Governor Buford Ellington orders 4,000 National Guard troops into the city; a curfew is imposed.

Looting and sporadic violence occur in Harlem and sections of Brooklyn, New York, and in Washington.

Apr. 5—The President declares April 7 a day of national mourning for Martin Luther King, Jr.

Arson, looting and sporadic violence occur in Chicago, Detroit, and Boston. In Washington and sections of Harlem and Brooklyn in New York, burning and looting continue. Regular Army or National Guard troops are sent to Chicago, Washington, Detroit and Boston.

Apr. 6—Illinois Lieutenant Governor Samuel Shapiro asks for federal troops to help contain rioting in Chicago. Additional federal troops are ordered to Washington, D.C.; more than 9,500 troops are on duty in Washington streets by evening. The capital has a 4 P.M. to 6:30 A.M. curfew.

Apr. 7—Maryland's Governor Spiro T. Agnew orders 6,000 National Guardsmen into Baltimore as rioting intensifies. The President orders some 2,000 troops to Balti-

more in response to the Governor's request; rioting has taken 4 lives.

Rioting in Pittsburgh quiets down. After 48 hours, rioting in Washington (primarily confined to the Negro section) subsides.

Apr. 8—Rioting breaks out in Cincinnati and continues in Baltimore and Pittsburgh.

Apr. 9—Some 50,000 mourners attend services for Martin Luther King, Jr., in Atlanta, Georgia. Vice President Humphrey and many of the nation's most prominent leaders attend the services.

In New Jersey, fires break out in Newark and a Negro is shot by a policeman during an outbreak of racial violence in Trenton.

Apr. 10—In Kansas City, Missouri, 4 persons are killed during outbreaks of racial violence and arson.

Apr. 11—President Johnson signs the Civil Rights Act of 1968, ending racial discrimination in the sale and rental of 80 per cent of the nation's housing, after the House votes 250 to 171 to approve the bill.

Apr. 13—A survey of the recent racial rioting made by the Associated Press reveals that all but 5 of the 39 persons killed in the riots were Negroes.

Apr. 19—The Federal Bureau of Investigation reveals it is searching for an escaped convict named James Earl Ray, alias Eric Starvo Galt, in connection with the murder of Martin Luther King, Jr.

Apr. 21—Ralph D. Abernathy, successor to Martin Luther King, Jr., as president of the Southern Christian Leadership Conference (S.C.L.C.), announces plans for expansion of the Poor People's Campaign originally initiated by the slain leader.

Apr. 29—The Poor People's Campaign opens without incident in Washington when a group representing the S.C.L.C. and other campaign organizers presents a list of demands on behalf of the poor to Cabinet officials.

## Student Protests

Apr. 10—At Duke University, some 1,500 students win Administration consent to their demands for better pay for nonacademic university employees, after they stage



a 4-day demonstration supporting striking university workers.

Apr. 14—A 100-hour sit-in at Colgate University ends when the university promises to end discriminatory fraternity housing practices.

Apr. 24—After protesting students occupy some college offices for 32 hours, Hartford, Connecticut's Trinity College administrators pledge \$15,000 in scholarship aid for Negro students.

Negro students take over the Administration Building at Boston University for 12 hours, to demand racial concessions.

Apr. 30—Almost 1,000 police end a week-long student sit-in at Columbia University; some 148 people are injured; 720 are arrested.

## Supreme Court

Apr. 1—The Court rules 5 to 3 that if county, city and town governments elect representatives from single-member districts, the districts must be substantially equal in population—in effect, the one-man, one-vote principle must apply.

Apr. 8—The Court rules, 6 to 2, that the mandatory death penalty provision of the Lindbergh kidnapping law making it a federal crime to transport a kidnapped person across a state line is unconstitutional. Without the death penalty, the law stands.

Apr. 22—The Court affirms a lower court ruling that *The Los Angeles Times* must give up 3 San Bernardino newspapers purchased in 1964 because the purchase violates the Clayton anti-trust law.

The Court rules 6 to 3 that a 1965 New York statute making it a crime to sell lewd magazines and other printed matter to children under 17 is constitutional.

## VENEZUELA

Apr. 23—Members of the Cabinet resign to allow President Raul Leoni to name a new cabinet. This action follows the withdrawal of three ministers—all members of the Democratic Republican Union—from the coalition with the President's Democratic Action party.

Apr. 24—President Leoni appoints a new Cabinet less than 24 hours after his ministers have resigned. For the first time a woman is appointed to the Venezuelan cabinet: an independent, Aura Celina Casanova, is named Development Minister.

## VIETNAM, DEMOCRATIC REPUBLIC OF (North)

(See *Intl, War in Vietnam*)

## VIETNAM, REPUBLIC OF (South)

(See also *Intl, War in Vietnam*)

Apr. 10—President Nguyen Van Thieu asks a joint session of Parliament to approve a decree calling for full mobilization of all men aged 18 to 45. Last week Premier Nguyen Van Loc signed a decree extending the draft age to 40.

Apr. 17—In the House of Representatives, the chairman of the defense committee, Duong Van Thuy, rejects Thieu's request for full mobilization.

## YEMEN

Apr. 15—In London, it is disclosed that on March 22, 1968, leftist elements staged an unsuccessful coup against Premier Hassan al-Amri's government.

## YUGOSLAVIA

Apr. 6—Student demonstrators in Belgrade fight with police guarding the U.S. reading room and library building. It is reported that yesterday the Yugoslav government asked the U.S. ship, *Little Rock*, to postpone its 4-day goodwill visit, scheduled to start today.

## ZAMBIA

Apr. 19—Addressing the National Council of his United National Independence party, President Kenneth D. Kaunda announces that some 25 major companies, including foreign subsidiaries, will be placed under state control.

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# INDEX FOR JANUARY-JUNE, 1968

## Volume 54, Numbers 317-322

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### SUBJECTS

#### AFRICA

- Africa, 1968, entire issue, Feb., 1968;  
Congo, The (map), Feb., 85;  
Consolidation in the Congo, Feb., 83;  
Ethiopia: The Quickening Pulse, Feb., 78;  
Ghana: The Politics of Military Withdrawal, Feb., 95;  
Nationalism and Separatism in East Africa, Feb., 90;  
Nations of Africa, The (map), Feb., 101;  
Nigeria at War, Feb., 65;  
Nigeria (map), Feb., 69;  
Southern Africa: The White Fortress, Feb., 72;  
Southern Africa (map), Feb., 77;  
Sudan, The (map), Feb., 93;  
U.N. Resolution on South West Africa (doc.), Feb., 109.

#### ASIA

(See *Southeast Asia*)

#### BOOK REVIEWS

- Jan., 48; Feb., 102; Mar., 172; Apr., 239; May, 298; June, 362.

#### BOOKS REVIEWED

- Aron, Robert, *An Explanation of De Gaulle*, Mar., 174;  
Attwood, William, *The Reds and The Blacks*, Feb., 102;  
Bailey, Norman A., *Latin America in World Politics*, Feb., 104;  
Bankwitz, Philip, *Maxime Weygand and Civil-Military Relations in Modern France*, Mar., 172;  
Berque, Jacques, *French North Africa. The Maghrib Between Two World Wars*, Mar., 172;  
Burden, Hamilton T., *The Nuremberg Party Rallies: 1923-39*, May, 298;  
Chen, Theodore H. E., ed., *The Chinese Communist Regime: Documents and Commentary*, May, 301;  
Chilcote, Ronald H., *Portuguese Africa*, Feb., 102;  
Cole, Allan B., Totten, George O., and Uyehara,

- Cecil H., *Socialist Parties in Postwar Japan*, Feb., 106;  
Compton, James V., *The Swastika and The Eagle*, May, 298;  
Daland, Robert T., *Brazilian Planning. Development Politics and Administration*, Feb., 105;  
Deutsch, Karl, Edinger, Lewis, Macridis, Roy and Merritt, Richard, *France, Germany and the Western Alliance*, Mar., 173;  
Edinger, Lewis, et al, *France, Germany and The Western Alliance*, Mar., 173;  
Fanon, Frantz, *Black Skin, White Masks*, Feb., 103;  
Fejto, Francois, *The French Communist Party and the Crisis of International Communism*, Mar., 173;  
Fischer, Fritz, *Germany's Aims in the First World War*, May, 299;  
Flannery, Harry, and Seger, Gerhart, *Which Way Germany?* May, 301;  
Franda, Marcus, *West Bengal and the Federalizing Process in India*, Apr., 240;  
Friedlander, Saul, *Prelude to Downfall: Hitler and the United States*, May, 298;  
Frye, Alton, *Nazi Germany and the American Hemisphere 1933-1941*, May, 298;  
Gerteiny, Alfred G., *Mauritania*, Feb., 102;  
Gower, L. C. B., *Independent Africa: The Challenge to the Legal Profession*, Feb., 104;  
Hamilton, Richard F., *Affluence and the French Worker in the Fourth Republic*, Mar., 172;  
Hevi, Emmanuel John, *The Dragon's Embrace: The Chinese Communists and Africa*, Feb., 103;  
Hobbs, Lisa, *India, India*, Apr., 240;  
Hunter, Guy, *South-east Asia—Race, Culture and Nation*, Jan., 48;  
Ike, Nobutaka, ed. and trans., *Japan's Decision for War: Records of the 1941 Policy Conferences*, Jan., 48;  
Israel, Fred L., ed., *Major Peace Treaties of Modern History, 1648-1967*, May, 301;  
Jaspers, Karl, *The Future of Germany*, May, 300;  
Johnson, Douglas, *France and the Dreyfus Affair*, Mar., 174;  
Jones, N. S. Carey, *The Anatomy of Uhuru*, Feb., 103;  
Knoble, Kuno, *Victor Charlie*, Feb., 106;

Kunstadter, Peter, ed., *Southeast Asian Tribes, Minorities, and Nations*, Feb., 105;  
 Lapp, Ralph, *The Weapons Culture*, June, 358;  
 Levitt, Leonard, *An African Season*, Feb., 104;  
 Macridis, Roy, et al, *France, Germany and The Western Alliance*, Mar., 173;  
 Marshall, S. L. A., *Battles in the Monsoon*, Feb., 106;  
 Merritt, Richard, et al, *France, Germany and The Western Alliance*, Mar., 173;  
 Michel, Aloys A., *The Indus Rivers*, Jan., 53;  
 Miller, James C., ed., *Why The Draft? The Case for a Volunteer Army*, June, 358;  
 Nobecourt, Jacques, *Hitler's Last Gamble. The Battle of the Bulge*, May, 298;  
 Nyerere, Julius K., *Freedom and Unity*, Feb., 102;  
 Nyomarkay, Joseph, *Charisma and Factionalism in the Nazi Party*, May, 298;  
 Papanek, Gustav F., *Pakistan's Development. Social Goals and Private Incentives*, Apr., 239;  
 Park, Richard L., *India's Political System*, Apr., 239;  
 Roff, William R., *The Origins of Malay Nationalism*, Feb., 105;  
 Rohl, J. C. G., *Germany without Bismarck, The Crisis of Government in the Second Reich, 1890-1900*, May, 300;  
 Rowland, John, *A History of Sino-Indian Relations: Hostile Co-Existence*, Apr., 240;  
 Royal Institute of International Affairs, *The Impact of the Russian Revolution, 1917-1967*, Feb., 106;  
 Sakai, Robert K., ed., *Studies on Asia, 1966*, Jan., 48;  
 Seger, Gerhart, and Flannery, Harry, *Which Way Germany?*, May, 301;  
 Smith, Bradley F., *Adolf Hitler. His Family, Childhood and Youth*, May, 299;  
 Spiro, Herbert J., ed., *Patterns of African Development: Five Comparisons*, Feb., 103;  
 Stafford, Robert T., et al, *How to End the Draft*, June, 358;  
 Tax, Sol, ed., *The Draft*, June, 358;  
 Totten, George, et al, *Socialist Parties in Post-war Japan*, Feb., 106;  
 Uyehara, Cecil, et al, *Socialist Parties in Post-war Japan*, Feb., 106;  
 Vittachi, Tazie, *The Fall of Sukarno*, Feb., 106;  
 Waddell, D. A. G., *The West Indies and the Guianas*, Feb., 105;  
 Wallerstein, Immanuel, *Africa: The Politics of Unity—An Analysis of a Contemporary Social Movement*, Feb., 104;  
 Weiner, Myron, *Party Building in a New Nation, The Indian National Congress*, Apr., 240;  
 Weiner, Myron, ed., *State Politics in India*, Apr., 239;

Wesson, Robert G., *The Imperial Order*, May, 301;  
 Wills, F. Roy, *France, Germany and the New Europe, 1945-1967*, May, 301;  
 Wohl, Robert, *French Communism in the Making, 1914-1924*, Mar., 178.

## CHINA, COMMUNIST

China and North Vietnam: The Limits of the Alliance, Jan., 42.

## CHRONOLOGY

(See *The Month in Review*)

## COMMON MARKET

France and the Common Market, Mar., 166;  
 French Economy, The: Down the Up Staircase and Into the Market, Mar., 135.

## CONGO

Congo, The (map), Feb., 85;  
 Consolidation in the Congo, Feb., 83.

## DOCUMENTS

De Gaulle's Sixteenth Press Conference, Mar., 175;  
 Draft Treaty, Non-Proliferation of Nuclear Weapons, Feb., 107;  
 Draft Treaty, Non-Proliferation of Nuclear Weapons, Article III, May, 305;  
 Gulf of Tonkin Resolution, Jan., 49;  
*Selective Draft Law Cases*, June, 357;  
 1968 State of the Union Message (excerpts), May, 302;  
 U.N. Resolution on South West Africa, Feb., 109.

## EAST AFRICA

Nationalism and Separatism in East Africa, Feb., 90.

## EAST EUROPE

Germany and East Europe, May, 263.

## ETHIOPIA

Ethiopia: The Quickening Pulse, Feb., 78.

## EUROPE

Germany, France and "Europe," May, 257.

## FRANCE

De Gaulle's France, entire issue, Mar., 1968;  
 De Gaulle's Sixteenth Press Conference (doc), Mar., 175;  
 France and the Common Market Crisis, Mar., 166;  
 France and the United States in World Politics, Mar., 151;

French Economy, The: Down the Up Staircase and Into the Market, Mar., 135;  
 Germany, France and "Europe," May, 257;  
 Megalocracy in France, Mar., 129;  
 Peaceful Coexistence: Gaullist Style, Mar., 160;  
 Toward a Greater French Community? Mar., 143.

## GERMANY

(See *West Germany*)

Germany's Borders (map), May, 267.

## GHANA

Ghana: The Politics of Military Withdrawal, Feb., 95.

## INDIA

Communist-Led Ministries in West Bengal and Kerala, Apr., 225;  
 India after Nehru, entire issue, Apr., 1968;  
 India: The Politics of Coalition and Survival, Apr., 193;  
 Indian Agriculture: An Analysis of Recent Performance, Apr., 212;  
 India's Economic Aid Programs, Apr., 232;  
 India's Foreign Policy: 1964-1968, Apr., 200;  
 India's Seventeen States (map), Apr., 195;  
 Industrial Progress in India, Apr., 206;  
 Population of India, The, Apr., 219.

## MAPS

Congo, Feb., 85;  
 Germany's Borders, May, 267;  
 India's Seventeen States, Apr., 195;  
 Nations of Africa, Feb., 101;  
 Nigeria, Feb., 69;  
 Southern Africa, Feb., 77;  
 Sudan, Feb., 93.

## MONTH IN REVIEW, THE

Nov., 1967, Chronology, Jan., 54;  
 Dec., 1967, Chronology, Feb., 116;  
 Jan., 1968, Chronology, Mar., 177;  
 Feb., 1968, Chronology, Apr., 247;  
 Mar., 1968, Chronology, May, 309;  
 Apr., 1968, Chronology, June, 368.

## NIGERIA

Nigeria at War, Feb., 65;  
 Nigeria (map), Feb., 69.

## NORTH VIETNAM

China and North Vietnam: The Limits of the Alliance, Jan., 42.

## RHODESIA

(See *Africa*)

## SOUTHEAST ASIA

China and North Vietnam: The Limits of the Alliance, Jan., 42;  
 Military Commitment in Southeast Asia, Jan., 15;  
 Political Commitment in Southeast Asia, Jan. 1;  
 Politics in South Vietnam, Jan., 35;  
 Stakes in Vietnam, The, Jan., 22;  
 U.S. Commitment in Southeast Asia, entire issue, Jan., 1968;  
 U.S. Economic Commitment in Southeast Asia, Jan., 7;  
 U.S. Misadventure in Vietnam, Jan., 29.

## SOUTH AFRICA

(See *Africa*)

## SOUTHERN AFRICA

Southern Africa (map), Feb., 77;  
 Southern Africa: The White Fortress, Feb., 72.

## SOUTH VIETNAM

Military Commitment in Southeast Asia, The, Jan., 15;  
 Political Commitment in Southeast Asia, Jan., 1;  
 Politics in South Vietnam, Jan., 35;  
 Stakes in Vietnam, The, Jan., 22;  
 U.S. Commitment in Southeast Asia, entire issue, Jan., 1968;  
 U.S. Economic Commitment in Southeast Asia, Jan., 7;  
 U.S. Misadventure in Vietnam, Jan., 29.

## SUDAN

Sudan, The (map), Feb., 93.

## UNITED NATIONS

Resolution on South West Africa (doc), Feb., 109;  
 Treaty on Non-Proliferation of Nuclear Weapons (doc), Feb., 107, May, 305.

## UNITED STATES (Domestic Policy)

1968 State of the Union Message (doc, excerpts), May, 302;  
 Civil War and Conscription, The, June, 333;  
 Draft in World War I, The, June, 339;  
 Land Armies in the 20th Century, June, 321;  
 Raising Armies before the Civil War, June, 327;  
 Selective Draft Law Cases (doc), June, 357;  
 Selective Service in World War II, June, 345;  
 Supreme Court and Conscription, The, June, 351;  
 U.S. Military Service in Perspective, entire issue, June, 1968.

## UNITED STATES (Foreign Policy)

France and the United States in World Politics, Mar., 151;

Gulf of Tonkin Resolution (doc), Jan., 49;  
 Military Commitment in Southeast Asia, The, Jan., 15;  
 Political Commitment in Southeast Asia, Jan., 1;  
 Stakes in Vietnam, The, Jan., 22;  
 U.S. Commitment in Southeast Asia, entire issue, Jan., 1968;  
 U.S. Economic Commitment in Southeast Asia, Jan., 7;  
 U.S. Misadventure in Vietnam, Jan., 29.

#### **WEST GERMANY**

Crisis and Decline of West Berlin, May, 293;

Death of the German Economic Miracle, The, May, 275;  
 Democracy and Right Wing Extremism in West Germany, May, 281;  
 Germany and East Europe, May, 263;  
 Germany, France and "Europe," May, 257;  
 Germany's Border (map), May, 267;  
 Report on West Germany, entire issue, May, 1968;  
 West Germany's Defense Policies, May, 268;  
 West Germany's Trade Policies, May, 288.

---



---

### **AUTHORS**

#### **ANDERBERG, MARY:**

Book Reviews, Feb., 104 f.

#### **BARDHAN, PRANAB:**

Indian Agriculture: An Analysis of Recent Performance, Apr., 212.

#### **BEHLING, RONALD:**

Book Review, Mar., 174.

#### **BILLINGS, ELDEN:**

The Civil War and Conscription, June, 333.

#### **BRACHER, KARL DIETRICH:**

Democracy and Right Wing Extremism in West Germany, May, 281.

#### **BRAUNTHAL, GERARD:**

The Death of the German Economic Miracle, May, 275.

#### **BUSTIN, EDOUARD:**

Consolidation in the Congo, Feb., 83.

#### **CARLETON, WILLIAM:**

Raising Armies before the Civil War, June, 327.

#### **CHICK, JOHN D.:**

Nigeria at War, Feb., 65.

#### **CLARKSON, STEPHEN:**

Peaceful Coexistence: De Gaulle Style, Mar., 160.

#### **CONAWAY, BETTY J.:**

Book Review, Apr., 240.

#### **COTTRELL, ALVIN:**

Land Armies in the 20th Century, June, 321.

#### **DOW, THOMAS E., JR.:**

The Population of India, Apr., 219.

#### **DUDMAN, RICHARD:**

The Military Commitment in Southeast Asia, Jan., 15.

#### **FANN, WILLERD R.:**

Germany and East Europe: Problems of Détente, May, 263.

#### **FOX, EDWARD WHITING:**

Megalocracy in France, Mar., 129.

#### **FRIEDRICH, KLAUS:**

West Germany's Trade Policies, May, 288.

#### **GRUNDY, KENNETH W.:**

Nationalism and Separatism in East Africa, Feb., 90.

#### **HAMMOND, MARY KATHARINE**

The Month in Review, Apr., 247.

#### **HIRSCH, FELIX E.:**

Crisis and Decline of West Berlin, May, 293.

#### **HUSTON, JAMES A.:**

Selective Service in World War II, June, 345.

#### **IRVINE, KEITH:**

Southern Africa: The White Fortress, Feb., 72;  
 Toward a Greater French Community? Mar., 143.

#### **JESSNER, SABINE:**

Book Reviews, Mar., 173, f.

#### **JOHNSTONE, WILLIAM C.:**

Political Commitment in Southeast Asia, Jan., 1.

#### **JOINER, CHARLES A.:**

Politics in South Vietnam, Jan., 35.

#### **LAURENT, PIERRE HENRI:**

France and the Common Market Crisis, Mar., 166.

#### **LEWIS, WILLIAM H.:**

Ethiopia: The Quickening Pulse, Feb., 78.

#### **MALENBAUM, WILFRED:**

Industrial Progress in India, Apr., 206.

#### **MENDERSHAUSEN, HORST:**

West Germany's Defense Policies, May, 268.

#### **MORGENTHAU, HANS J.:**

U.S. Misadventure in Vietnam, Jan., 29.

#### **OJHA, ISHWER C.:**

China and North Vietnam; The Limits of the Alliance, Jan., 42.

#### **PALMER, NORMAN D.:**

India: The Politics of Coalition and Survival, Apr., 193.



**PARK, RICHARD L.:**

India's Foreign Policy: 1964-1968, Apr., 200.

**PERITZ, RENÉ:**

Book Reviews, Jan., 48 f.; Feb., 105 f.; Apr., 239 f.; May, 301.

**PHIBBS, PHILIP M.:**

India's Economic Aid Programs, Apr., 232.

**PICKETT, RALPH H.:**

Book Reviews, May, 299 f.

**PRYBYLA, JAN S.:**

The French Economy: Down the Up Staircase and Into the Market, Mar., 135.

**QUIGLEY, CARROLL:**

France and the United States in World Politics, Mar., 151.

**ROSEMAN, ALVIN:**

U.S. Economic Commitment in Southeast Asia, Jan., 7.

**RUBINSTEIN, ALVIN Z.:**

Book Reviews, Feb., 106; May, 301.

**SCHMITT, HANS A.:**

Germany, France and "Europe," May, 257.

**SINHA, K. K.:**

Communist-Led Ministries in West Bengal and Kerala, Apr., 225.

**SKURNIK, W. A. E.:**

Book Reviews, Feb., 102 ff.

**SWISHER, CARL B.:**

The Supreme Court and Conscription, June, 351.

**TRYON, WARREN S.:**

The Draft in World War I, June, 339.

**WEBER, EUGEN:**

Book Reviews, Mar., 172 ff; May, 298 f.

**WELCH, CLAUDE E., JR.:**

Ghana: The Politics of Military Withdrawal, Feb., 95.

**YOUNG, KENNETH T.:**

The Stakes in Vietnam, Jan. 22.

## SELECTIVE SERVICE IN WORLD WAR II

*(Continued from page 368)*

requirements of the different services and of industry was fairly well handled—though debate continued—without a national service act.

The question of occupational deferment and special consideration for groups such as farmers was not settled in an altogether satisfactory way, though essentially men were finally called according to age, with preference for younger men and with little or no regard for occupation. There was probably no substitute for some such system for conditions of virtually total war.

### EFFECTIVE MOBILIZATION

As a vehicle for training, the Selective Training and Service Act of 1940 would probably have worked better than has generally been granted. Indeed, the whole program for selective training may have been premature by a year or two. Clearly the necessary equipment and facilities for proper training were not on hand for the men brought into service in 1940 and 1941. General Marshall himself wrote in his Biennial Report of 1945 that at the beginning of the war in Europe, There were the bare skeletons of three and one-

half divisions scattered in small pieces over the entire United States. It was impossible to train even these few combat troops as divisions because motor transportation and other facilities were lacking and funds for adequate maneuvers were not appropriated. . . . We lacked modern arms and equipment.

Here was the key to effective mobilization—modern arms and equipment. Most of the men who were drafted into the service in 1940, 1941 and 1942 did not see active combat until 1944. Why? Not because of a lack of men, but because of a lack of materiel. Ground forces, first to be mobilized, were the last to be used. If it required only a year to train a division for combat, and equipment was not available for those called into service, then many were called two to four years too soon.

It might have been more effective in 1940 and 1941, instead of training with wooden guns and make-believe tanks, if men had remained at home to help make guns and tanks for another year or two.

The key to rapid mobilization is the availability of weapons and equipment; it is more important to have materiel in being than it is to have unequipped forces in being. But throughout most of their history, Americans have put manpower mobilization ahead of materiel mobilization, both in time and in emphasis, and in doing so they have put the cart before the horse.